



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, MONDAY, DECEMBER 16, 2013

No. 178

Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, You remain faithful even when we are unfaithful. Nothing is impossible for You, for You have all power in Your hands. Thank You for being wonderfully kind, tolerant, and patient with us.

Lord, continue to guide our Senators. May they seek to be instruments of Your glory, striving to please You in

all that they do. Make them so ethically congruent that they practice what they profess. May their hearts be so transformed by Your spirit that they seek Your approbation above any earthly approval.

We pray in Your merciful Name. Amen.

NOTICE

If the 113th Congress, 1st Session, adjourns sine die on or before December 24, 2013, a final issue of the *Congressional Record* for the 113th Congress, 1st Session, will be published on Tuesday, December 31, 2013, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-59 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Monday, December 30. The final issue will be dated Tuesday, December 31, 2013, and will be delivered on Thursday, January 2, 2014.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong_record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman*.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

WORKFORCE INVESTMENT ACT OF 2013—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I move to proceed to Calendar No. 243, S. 1356.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S8823

Motion to proceed to Calendar No. 243, S. 1356, a bill to amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in morning business until 5:30 this afternoon. At 5:30 the Senate will proceed to executive session. There will be at least 3 rollcall votes: Confirmation of the Patterson nomination, cloture on the Johnson nomination, and confirmation of the Johnson nomination.

NOMINATIONS

Mr. President, last week was difficult for the entire Senate community. When cooperation is lacking, as it was last week, completing the business before this body becomes much more difficult. Last week, though, the Senate confirmed four district court judges, two DC Circuit Court of Appeals judges, an Equal Employment Opportunity Commissioner, the Secretary of the Air Force, a Privacy and Civil Liberties Oversight Board member, and a Deputy Secretary of State.

Although we accomplished a great deal, the process was neither easy nor pleasant. This week the Senate has just as much to achieve as it did last week. Without cooperation we will face another daunting vote schedule. But I am optimistic the same spirit of cooperation that made tonight's votes possible will last all week long.

Tonight the Senate will vote on Anne Patterson's nomination to be Assistant Secretary of State. We will also vote on cloture on the nomination of Jeh Johnson to be Secretary of the Department of Homeland Security. If cloture is invoked, this body will immediately vote on Johnson's confirmation.

As General Counsel of the Defense Department from 2009 to 2012, Mr. Johnson served as the senior lawyer for the largest government agency in the world. He oversaw the work of more than 10,000 military and civilian lawyers. Prior to his work at the Defense Department, Mr. Johnson served as Assistant U.S. Attorney and spent nearly 2 decades in private legal practice. He is eminently qualified, and we all look forward to his confirmation.

THE BUDGET

Tomorrow, the Senate will begin consideration of the budget measure passed by the House last week. Although neither side got everything it wanted from this agreement, the legislation should help break a terrible cycle of governing by crisis. It rolls back the painful and arbitrary cuts of the sequester, protects Social Security and Medicare benefits, and will help prevent another dangerous government shutdown in the new year.

On Wednesday, the Senate will turn to the Defense authorization measure,

crucial legislation that safeguards our Nation, ensures our troops have the resources and training they need, and provides for the military families who support our fighting men and women.

The Senate must also confirm Janet Yellen to head the Federal Reserve, Alejandro Mayorkas to be Deputy Secretary of Homeland Security, and John Koskinen to head the Internal Revenue Service. The nominations of Robert Wilkins to be a member of the DC Circuit Court of Appeals and Brian Davis of Florida to be a district court judge are also priorities for us. Mr. Davis' nomination has been pending for 2 years.

The Senate must also move quickly to confirm Sarah Sewall as Under Secretary of State, Jessica Wright to be Under Secretary for Readiness at the Defense Department, Sarah Bloom Raskin to be second in command at Treasury, and Mike Connor to be second in command at Interior, and Sloan Gibson to be deputy at the Veterans Affairs Department, and Rick Engler's nomination for the Chemical Safety Board.

Christmas is 1 week from Wednesday. We have a lot to do. We could complete all of our work by Thursday, by Friday, by Saturday, by Sunday, by Monday, or Tuesday, but finish it we must. I have outlined what we need to do. It is up to the minority to determine what, if anything, they are going to stop us from doing.

I am happy to work with them on time. But there are several items that I have indicated we have got to get done before Christmas.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Ms. HIRONO.) Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5:30 p.m. with the time equally divided and controlled between the two leaders or their designees.

Mr. REID. Madam President, I would suggest the absence of a quorum and ask unanimous consent that the time be equally divided for all quorum calls.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHNSON NOMINATION

Mr. CARPER. I am proud to rise to speak in strong support of the nomination of Jeh Johnson to serve as the Secretary of the Department of Homeland Security. As my colleagues know,

I have been concerned for many months about the high number of senior-level vacancies that exist at the Department. In fact, the Department of Homeland Security has been without a Senate-confirmed Deputy Secretary since April and without a Senate-confirmed Secretary since early September. That is simply too long for such critical positions to be vacant, especially since the Department of Homeland Security has been without Senate-confirmed leadership in a number of other senior leadership positions too.

That list of vacancies includes the position of Deputy Secretary, as well as the heads of Customs and Border Protection, Immigration and Customs Enforcement, and the Inspector General.

Working with the President, we need to do something about it. Today we can. It is my hope and expectation that we will vote to confirm a new Secretary to lead the Department within the next few hours, allowing Jeh Johnson to be sworn in and start work later this week.

Getting a Secretary of Homeland Security quickly confirmed is essential to help effectively run this Department and protect the safety of our citizens. This Department is a large and complex entity with a diverse set of missions and challenges.

It is composed of 22 distinct agencies spread across various locations throughout the country. In the 10 years after its creation, the Department of Homeland Security still lacks a strong sense of cohesion.

Moreover, given the Nation's fiscal challenges, the Department, as many Federal agencies, is being asked to do more and get even better results with fewer Federal dollars.

That being said, over its 10 years, the Department has celebrated a number of important milestones. In fact, only last week, for the first time ever, the Department of Homeland Security received a clean financial audit.

There is one outlier among the major departments of our government that hasn't received that clean financial audit, and that is the Department of Defense, which has been around for approximately 70 years.

The Department of Homeland Security took 10 years and has been on the GAO high-risk list for all of those 10 years. I was delighted when I received word last week that this goal had been achieved. It is a major accomplishment and one for which I heartily congratulate the Department.

There is an old saying that goes something such as this: You can't manage what you can't measure.

Now the Department of Homeland Security achieved a clean financial audit. It is my hope that its financial management practices will continue to improve. In order to build upon this and other successes, I believe the Department needs Senate-confirmed leadership.

There is no doubt that even on a good day, serving as Secretary of the Department of Homeland Security is a very hard job. Jeh Johnson, however, is no doubt up to this enormous task. Again, I strongly support his nomination.

Mr. Johnson is a seasoned national security expert who is eminently qualified to take the reins to run the challenging Department of Homeland Security. After graduating from Morehouse College and then Columbia Law School, Jeh Johnson started his career in private practice. Later he became an Assistant U.S. Attorney in the Southern District of New York, where he prosecuted public corruption cases. He then returned to the private sector where he became a partner with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison.

While working with this law firm, Mr. Johnson again answered the call to public service, first as the Air Force's top lawyer during the second term of the Clinton administration and, more recently, in the first term of the Obama administration, as the top lawyer for the entire Department of Defense. In both positions he was confirmed by the Senate with strong bipartisan support.

Having served in such important positions at the Department of Defense has no doubt helped him develop a number of outstanding skills that will enable him to lead this Department effectively.

There are few better places to learn how to manage a complex national security bureaucracy than at the Department of Defense. For example, for 4 years he was a partner and a part of the senior leadership team that ran the Defense Department. He played a critical role in overseeing more than 3 million military and civilian personnel scattered around the country and across the world, including having direct responsibility for nearly 10,000 attorneys.

He provided key advice to two exceptional Defense Secretaries—Bob Gates and Leon Panetta—and was an important member of their management teams. To me, this is an invaluable experience for the huge task to which he has been nominated.

He also participated in almost every discussion of consequence for the Department, helping to shape the policies that directly impacted the lives of our brave men and women in uniform and their families.

In fact, during his time at the Pentagon, Mr. Johnson developed a reputation for tackling some of the toughest issues in the Department of Defense and finding a way to build consensus and develop thoughtful and effective policy. For example, he won praise from both sides of the aisle for his work on the issue of don't ask, don't tell and on the military commission system.

Additionally, Mr. Johnson was an influential member of the President's national security team and helped design

and implement many of the country's policies to fight terrorism and dismantle the core of Al Qaeda. Because of his experience in these positions and in other commanding roles, Mr. Johnson is well prepared to face the challenges that will await him if he is confirmed by the Senate today.

People don't have to take my word for it. Mr. Johnson has received high praise from many distinguished former government officials from both sides of the aisle.

In a letter to our Committee on Homeland Security and Governmental Affairs, for example, every single former Secretary of that Department—Tom Ridge, Michael Chertoff, and Janet Napolitano—lauded Mr. Johnson as an "eminently qualified nominee."

They went on further to state, and I paraphrase: Jeh Johnson's service at the highest levels of the Department of Defense—the largest government agency in the world—provided him a keen understanding of how to successfully execute large-scale operational missions of varying complexity and purpose.

This is what former Defense Secretary Bob Gates, a highly regarded and much-admired manager himself, said about Jeh Johnson and his time at the Department of Defense:

Take my word for it: [Jeh Johnson] has successfully managed an array of major initiatives across the biggest bureaucracy in the government—and, in so doing, won the esteem of virtually everyone with whom he worked.

Similarly, former Defense Secretary Leon Panetta said this about Jeh Johnson:

Jeh has proven himself to be a talented, capable, bipartisan, and trusted public servant. I give my strongest recommendation and full support to his confirmation as the Nation's next Secretary of Homeland Security.

Former Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, who stepped down in late 2011, has also expressed his deep confidence in the nominee, stating:

Jeh Johnson is as fine a person and professional as I have ever met.

I wish to state that again. Admiral Mike Mullen states:

Jeh Johnson is as fine a person and professional as I have ever met. I am confident in his choice and that he will succeed in leading this most complex organization at a critical time in our country.

Mr. Johnson has also received encouraging words and praise from a number of law enforcement groups, including the Major Cities Chiefs Association and the national Fraternal Order of Police.

I would also add that at Mr. Johnson's confirmation hearing, our ranking member, Dr. COBURN, made known his support for Jeh Johnson and even went so far as to ask him to consider staying on as Secretary after the 2016 election, a high compliment indeed. I might add as an aside, Mr. Johnson's wife was sitting immediately behind him, and when Dr. COBURN asked for that assurance from the nominee, I

wasn't sure if she was going to come out of her seat—and it wasn't in support of the idea.

Mr. Johnson is undoubtedly a highly skilled leader. He is just the type of person that we need for this extremely important and challenging position.

Mr. Johnson, of course, will not be alone in the task of leading the Department of Homeland Security. It is critically important that Mr. Johnson be allowed to surround himself with a capable leadership team. We can help. Indeed, we must help.

At the Department of Homeland Security alone, there are 14 Presidentially appointed positions that are without a permanent replacement. Of these, 10 require Senate confirmation. This is an edition of what I call executive branch Swiss cheese.

As we consider Mr. Johnson's nomination, we must remember that protecting the homeland is a team sport, and those of us in the legislative branch are critical members of this important team. If Mr. Johnson is confirmed, we must do our part to expeditiously, but thoroughly, vet and confirm his leadership team as well.

We need to put aside our partisan differences, work together, and give the President and the Department the entire team it needs to better protect our homeland. That includes confirming Ali Mayorkas for Deputy Secretary of Homeland Security.

Today the question before us is Mr. Johnson's nomination. For my colleagues still on the fence about Mr. Johnson's nomination, I leave us with a few thoughts on his character and his integrity. I have gotten to know Jeh Johnson very well over the last couple of months. I have been impressed by his forthrightness, his thoughtfulness, his core values, and his impeccable moral character, as well as his deep commitment to public service and serving our Nation. He treasures his family, and he strives to honor the legacy through his work.

I had the privilege of meeting several members of his family at the confirmation hearing last month. His wife is an accomplished professional in her own right. In fact, Jeh met his wife when she was practicing dentistry—and I think he might have been the patient.

Together they are the proud parents of two young adults that any parent would be proud to call their own. He is also a devoted son and brother. Although they could not attend his confirmation hearing, I know his parents are deeply proud of the son that they raised.

I noticed in his confirmation hearing that Jeh proudly wore a pin that was his grandfather's. His great grandfather worked as a Pullman train car porter in the early 20th century. I think that quiet statement says a lot about the importance of family to Jeh and how the values and character his family instilled in him are always with him.

It is clear he is a student of history and draws inspiration from the civil rights movement. One of Jeh Johnson's guiding principles is a lesson he learned from Dr. Benjamin "Bennie" Mays, the former president of Morehouse College and a mentor to Dr. Martin Luther King, Jr., who said, "You earn a living by what you get; you earn a life by what you give." Think about that for a second. "You earn a living by what you get; you earn a life by what you give." Think about that and think about all the times Jeh Johnson has left the comforts of the private sector—three times before—so that he could give back and serve the people of our country as a leader in our government. With that in mind, I think we know what kind of leader we are getting in Jeh Johnson and what he will bring to the Department of Homeland Security.

I urge my colleagues to join me in voting today for Jeh Johnson.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET CONTROL ACT

Mr. SESSIONS. Madam President, I wish to share some thoughts about the bipartisan Budget Control Act which passed through the House and is now here, and we are going to have a cloture vote on it in the morning.

I appreciate the hard work which Chairman RYAN and Chairman MURRAY put into that. It is a complicated and important task. But I am not going to be able to support it.

I am the ranking member on the Budget Committee. I have dealt with these issues, and Chairman RYAN and Chairman MURRAY and I have all talked about them for a number of years. There are a lot of things which are important as we work through this. The proposal before us would increase spending, increase taxes and fees, and it would violate the core promise Congress made when passing the debt ceiling in 2011.

In August of 2011, we told the American people that if they allow us to raise the debt ceiling \$2.1 trillion, we would cut \$2.1 trillion in discretionary spending, essentially over the next 10 years. We would try to reach a bigger agreement. But if we didn't, we would cut money through the discretionary accounts: Defense and nondefense. No agreement was reached. The automatic cuts went into place.

I think we could modify those reductions in spending in a way which makes them less harmful and gives the agencies and departments—particularly Defense—much better ability to

meet the reductions in spending we asked them to meet, without doing unwise damage as I think we probably are today. We could make it a lot better, but not to spend more than we agreed over the now 8 years remaining in the Budget Control Act's time.

I am willing to give and take on some of this, but I am a bit frustrated that we are now going to spend from \$63 billion to \$65 billion more mostly in the next 2 years over the Budget Control Act's limits, which include the sequester that we agreed to. I am worried about that. It is going to be spent, and we are going to try to cut somewhere else to fund it. Over half the cuts that are going to fund this \$65 billion occur outside the 8 years remaining on the Budget Control Act, in the last 2 years. That is not good.

We promised in 2011 we would reduce spending \$65 billion more this year, or contain its growth, more than this legislation says. We promised that. Now this legislation is going to cost from \$63 billion to \$65 billion more this year and next year in spending which we promised just 2 years ago. So I am a little uneasy that we are going to say we are going to pay for that extra spending in years 8 and 10 over the next 10-year budget.

Forgive me if that causes me concern, but it does. I am worried about it, and I hope that our colleagues will study this.

There are a couple of big issues that are out there. One is a real hit to retired military. People who served 20 years are going to have their military retirement pay until they are 62 reduced significantly.

In addition, we have a problem which I think is even more serious and important to me. As a member of the Budget Committee who has made and raised budget points of order on the floor of the Senate, I wish to make this point clear:

There is a budget point of order under current law that—if this Congress attempts to spend more money than was agreed to in the Budget Control Act and the sequester—that any Member can raise, and I have raised it on at least three occasions, and we prevailed on each one of those three occasions.

What it says is: Even though you may say you have more money—you raised taxes or fees—we agreed not to spend over this level. This is our spending limit. It shows growth over 10 years in spending. It is not a real cut, although it cuts in the short term this year. But after this year, defense and nondefense discretionary spending will grow 2.5 percent each year. So this is not a permanent savaging of the Federal budget.

The point is, it was an agreement to limit spending. Somehow, in this agreement reached by Chairman MURRAY, the Democratic Senate budget leader, and Chairman RYAN, the House Republican budget leader—who is not familiar with Senate rules, but Senator

MURRAY is—the Democrats obviously insisted that we change that budget point of order. That means if somebody proposes to spend more than the Budget Control Act says and proposes to pay for it with taxes and fees, it is no longer subject to a 60-vote point of order. That will undermine in a real way our ability to be successful, because it will pit unpopular taxes on some business against some needy cause, and it will say that you didn't vote to help people in need; whereas, in truth we agreed to spending limits, and we should adhere to those limits.

In the past we have had votes, and the vote was simply: This amendment, this bill that is before the Senate, spent more money than we agreed to spend. Go back and find some other way to fund this good cause you want to fund, not by more taxes and more spending. So this has been eroded significantly, and I am worried about it.

There are a number of other problems with the legislation, and I know people will complain about it. But nothing is perfect. I know that, and I know we would like to have an agreement, and hopefully somehow we can.

But what should happen is the Senate should not agree to reduce military retirees' benefits, at least not before we know there is no other alternative, and that other employees of the Federal Government at least have the same kind of reductions. It doesn't appear to be so here, and we ought not to have changed the internal budgetary enforcement powers included in this point of order. That should not be eliminated, and, unfortunately, that is what has happened today.

JOHNSON NOMINATION

In a bit we will be voting on the Secretary of the Department of Homeland Security. This is a very, very important position, one of the most important positions in our entire government. It is a massive agency. It was cobbled together under President Bush's tenure after pushing from Congress.

What happened was President Bush, after 2001 and the attack of 9/11, was pressured to have a new agency for homeland security. He didn't go for that at first, but the pressure built, and he decided to do it. He submitted legislation to do so. I supported it, but being a Federal prosecutor, having worked with virtually all of these Federal agencies, I probably knew better. It was a big deal, and it is very, very hard to cobble these agencies together—with their own history, their own administrations, their own policies, their own rules and regulations—into one. I am not sure it is a totally win-win. But we did it, and I voted for it eventually. Now it is the law of the land. The problem is it has not yet been brought under control. It has not yet been unified in an effective way.

There are over 240,000 employees of the Department of Homeland Security, and we need a strong leader to make this happen. We need a strong leader

who can blend these agencies into one harmonious whole. I don't know why Coach Nick Saban came to mind. But you need somebody who is strong enough to drive the special interests, the old historical biases, the old ideas of doing things, into one focused whole to make this the best agency in the U.S. Government. That is what we need.

The nominee, Mr. Jeh Johnson, doesn't come close to that. He is not a good choice for this position. I am not saying he is not a good man. I am saying he is not a good choice.

Let's go over some of these things here. With over 240,000 employees, the Department of Homeland Security is the third largest cabinet-level department, behind only the Department of Defense and Veterans Affairs, and it is less cohesive than those two by far. When it was established, it subsumed 22 government agencies which all came together.

Some of the many DHS components which still exist today as part of Homeland Security include the U.S. Customs and Border Protection service, which itself has 25 component parts; the U.S. Citizenship and Immigration Service, which itself has 21 parts. They are an unhappy group. Their officers association has complained to this administration about the lack of support and lack of commitment to law. The U.S. Coast Guard is part of Homeland Security; FEMA, the Federal Emergency Management Agency, which has 37 component parts; and U.S. Immigration and Customs Enforcement, ICE. The ICE Office of Principal Legal Advisor alone has 41 component parts.

ICE is an important agency. It has been decimated under this administration. They have voted "no confidence" unanimously in their Director John Morton, who finally retired. All of these report directly to the Secretary of Homeland Security.

Before the Judiciary Committee 2½ years ago, I asked Secretary Napolitano if she was aware of the ICE officers association morale, which according to government surveys was virtually the lowest in the entire U.S. Government, and would she meet with them, and she didn't make a commitment to do so. So a year later she came back before the Judiciary Committee and I said: Have you met with them yet? No. She didn't meet with them. So this is a big problem.

The U.S. Secret Service, the group which protects the President and provides security throughout the country, is a very important agency. The TSA, Transportation Security Administration, airport security people, has 21 component parts in that entity. The Domestic Nuclear Detection Office; the Federal Law Enforcement Training Center; the Director for National Protection and Programs, which includes the Office of Emergency Communications; the National Cybersecurity and Communications Integration Center, the Stakeholder Engagement and

Cyber Infrastructure Resilience Division, the Federal Network Resilience Division, and the Network Security Deployment Division.

I was a U.S. attorney. I worked with many of these Federal agencies for years, but I never heard of those. But they are out there, and they are important. The Directorate for Science and Technology, which has 37 component parts; the Office of Infrastructure Protection, which has 5 divisions; the Office of Operations Coordination and Planning; the Office of Intelligence and Analysis—and that doesn't include 10 other offices.

On December 12, 2013, the Government Accountability Office—our independent agency that investigates departments and provides information to Congress—published a report stating that since its inception in 2003, the Department of Homeland Security "has faced challenges in implementing its human capital functions and Federal surveys have consistently found that DHS employees are less satisfied with their jobs than the government-wide average of Federal employees."

Some of those agencies are at the very bottom of satisfaction and so forth.

DHS has ranked 36 out of 37 agencies that participated in the Office of Personnel Management Employee Viewpoint Survey. They surveyed the employees. How do you view your agency? They are at the bottom. We need a leader who can turn that around. This program is down. We need a coach who can build a winner.

This survey includes questions such as whether leaders generate high levels of motivation and commitment in the workforce and whether employees have a high level of respect for their organization's senior leaders. That is what they ask when they do this survey. From the years 2006 through 2013, DHS scored lower than the governmentwide average each year. While the governmentwide scores for this index have declined 3 percentage points since 2011, DHS's scores have decreased by even more—by 5 percentage points from their previous level.

My point is that this is a massively important agency on which we spend billions of dollars, and it needs a top-flight manager, a proven leader, somebody who understands law enforcement. It could be a Governor, it could be a State attorney general, but in my opinion we really need somebody who is a Federal law enforcement officer who has been a leader or deputy leader at the very top of some of these agencies—the FBI, the Secret Service, the Coast Guard—somebody who understands these issues and is committed to turning this agency around.

I have to tell you that the secret is that there is no real intent to turn this agency around because the immigration system—U.S. Customs, ICE, the Border Patrol, the Customs and Immigration Service, which evaluates requests for admission to the United

States—is in disarray. This administration's goal is to further undermine their ability to be effective because they do not really want vigorous enforcement in these agencies. That is one reason their morale is so bad.

The ICE officers of the United States of America filed a lawsuit in court in Texas. They said their supervisors were instructing them not to fulfill their sworn duty, which was to enforce the laws of the United States. The lawsuit went on for some time. It eventually got dismissed on technical grounds, but the judge found that the supervisors of these agencies, the top people in these agencies, could not direct people not to enforce the law—which is what they are doing. We can go into that in some depth, and I am going to do that if I have the time. I am going to document, for the last 4 or 5 years, the systematic action by the President of the United States and his homeland security officers and Secretary and sub-Secretaries to undermine law enforcement, not to help our officers do better but to block them from doing their job. It is breathtaking. We have had too little discussion of it.

Jonathan Turley, legal scholar, supporter of President Obama, has said this goes beyond—this crosses the line. This goes beyond what is an Executive power that the President has. It goes beyond his power to basically tell his agencies to implement a DREAM Act law that Congress three times refused to pass. Congress wouldn't pass it, so he directed his agencies to do it anyway.

Professor Turley said this is a breathtaking violation of the Madisonian concept of three branches of government. It crosses the line. He was crystal clear. If I have time, I am going to talk about what he said about that.

Mr. Johnson, who is a nice individual and capable, is a lawyer. He came by to see me. We talked some about this. I expressed, frankly, my concerns to him.

The administration has pointed to Mr. Johnson's position as General Counsel for the Department of Defense as proof of his management ability. That position is actually substantially equivalent to being an Assistant Secretary of Defense. There are 15 of those. But one thing that counsel for the Department of Defense does not do is manage the Department and deal with all the conflicts about the agencies and departments and so forth.

An Assistant Secretary of Defense is the fifth highest ranking official within the Department's organizational hierarchy. First, there is the Secretary of Defense, then the Deputy Secretary of Defense, then the Executive Secretary, Under Secretaries, and Deputy Chief Management Officer. You have to go that low, and then he is the counsel—not a manager, a lawyer.

He was previously a litigator at some big New York law firm and an assistant

U.S. attorney for 2 years. I was U.S. attorney. I managed an office—a relatively small office—of 12. He was for 2 years an assistant U.S. attorney. He is now supposed to be able to manage this entire monstrosity of an agency.

The first Secretary of Homeland Security, Tom Ridge, had served as Governor of Pennsylvania for 6 years. That is a big State. That requires some management skills. And he was President Bush's Homeland Security Advisor from 2001 to 2003 and was a part of the post-9/11 response, and President Bush appointed him and he was the first leader in the Department of Homeland Security.

His successor, Mike Chertoff, had been a judge on the U.S. court of appeals, but, more significantly to me, he had a long term in the Department of Justice and as U.S. attorney in one of the big offices in America, the District of New Jersey. He worked with every one of those agencies for a long period of time, spent decades of prosecuting cases, and he understood the culture of the agencies that came together to form Homeland Security.

Even Secretary Napolitano had been Governor of Arizona for 6 years and had been State attorney general, both of which were management positions.

In an interview with the blog *abovethelaw.com*, nominee Mr. Johnson was asked why he left a lucrative private practice to join the Department of Justice, and he replied: "Loyalty to this President, commitment to public service, and safety for our country." The first thing he mentioned was loyalty to this President.

According to one article, Johnson was described as "a loyal political operative of the President who often referred to himself as 'the President's man' at the Department of Defense." So the President had his man, the lawyer, at the Department of Defense. I suppose that is OK, to have a friend at the Department of Defense, but is he capable of running the Department of Homeland Security?

On October 18 of this year, at the press conference announcing his nomination, Mr. Johnson said, "I love this country, I care about the safety of our people, I believe in public service, and I remain loyal to you, Mr. President."

While at the Department of Defense, Mr. Johnson is credited with spearheading the President's effort to repeal the don't ask, don't tell law or policy despite the fact that a poll of the combat units showed they didn't favor that. A report he produced dismissed these attitudes as laden with emotion and misperception. He was hailed as "a hero of don't ask, don't tell repeal" by the Washington Post. I think that is what he has been given the most credit for, being active in that issue. I am not saying that is disqualifying; I am saying that is what he spent his time doing at the Department of Defense. He wasn't dealing with how much aircraft carriers are going to cost. He wasn't dealing with the kind of weapons we

need to be providing or building today to be used by our military down the road and doing so in a constrained budget.

According to Senator McCAIN, recently the White House instructed Mr. Johnson not to be responsive to Senators' requests for information in relation to his nomination, and he has complied with that instruction. I think it was a concern of Senator McCAIN's that Cabinet members have a duty to be responsive to the U.S. Congress and that when you ask a nominee or Cabinet member a question, they need to respond. If they are going to be loyal to the President to the extent they do not respond to legitimate questions from Congress, then maybe they do not need to be confirmed to the job. Are they not going to respond? And who at the White House told him to do that? It was probably not the President; it was probably some staffer, maybe in his thirties, never done any of this stuff before, and they decided politically they didn't want him to answer questions, so they told him not to, and he didn't do it.

We are having a problem today with this. Getting responses is an important matter for any Cabinet head. But, of course, he had some other matters. I am not attacking Mr. Johnson's integrity. I am not attacking him in any way personally. But according to the Federal Election Commission, he has donated over \$130,000 to various Democratic candidates since 1998, including the President's 2008 campaign. According to the Web site *opensecrets.org*, Mr. Johnson was a bundler for President Obama's 2008 campaign to the tune of \$65,000. He also served on President Obama's fundraising committee. He donated to many other groups, and he was counsel to Senator Kerry's 2004 campaign.

He is an insider. He is close to the President. They are close personally. He is, perhaps, a good lawyer. Maybe he has some good political skills, but we have a department that is in disarray, a department that is hurting perhaps more than any other department in Washington. It is a massive department that needs real leadership. They need a new coach. They need somebody to whip them into shape, break down these barriers, and eliminate the petty turf fights that are still going on in that agency.

We need strength, integrity, and a commitment there, and I don't believe Mr. Johnson has ever had the opportunity to demonstrate that. He has not been trained in those kinds of issues, and he has had no example of it.

My colleagues remember the execution of the nuclear option in this very Chamber in which the majority leader broke the rules of the Senate to change the rules of the Senate, to eliminate the ability of the Senate to have 60 votes to confirm nominees, although most of the President's nominees were being confirmed and have overwhelmingly been confirmed.

They got irritable about a few judges so they changed the rules of the Senate. It has been a devastating change for a lot of reasons. One of the ramifications is—with loyal Democratic senatorial support—that Mr. Johnson doesn't have to respond to my letter or to the inquiries of Senator McCAIN. He has to respond to some staffer in the White House who said: Don't give them any information. Just give them some general junk. He will still be confirmed because we have 55 Senators, and they only have to have 51. The ability to put pressure on these nominees is important.

I know my friend Senator REID made a huge error. He has a tough job, but he did not need to go along with this. I know he had radical and progressive groups pushing him to do this nuclear option, pull the trigger, stick it to them, do it, and he eventually ended up doing it.

It has been reported that when Senator REID left the Senate Chamber and went to the Mansfield room, there was raucous applause and cheering from the ACLU and many leftwing groups that were over there that wanted this thing to happen.

I know the hard left wanted that. They have been pushing for elimination of the classic Senate prerogatives that make us different from the House of Representatives. I guess this was the first big step they feel they achieved. It has certainly undermined our ability to ask this nominee, before we confirm him to this hugely important agency, to get some commitments from him about how he is going to manage this agency.

Ranking member of the Judiciary Committee, Senator GRASSLEY, along with myself, as ranking member of the Budget Committee, Senator HATCH, as the ranking Republican on the Finance Committee, Senator CORNYN, who is second in command and the whip in the Senate for the Republicans, and Senators LEE and CRUZ, sent a letter to Mr. Johnson on November 15 regarding several issues. Most of the issues focused on the outright refusal of this administration to enforce immigration law as written.

On Friday we received a letter that can only be described as insufficient. He refused to give a straight answer to a single question. He said he would provide his "more general views as they exist at this stage."

What kind of commitment is that? I am going to give you some of my "more general views as they exist at this stage." Is that the kind of response the Congress should expect from a man about to head this agency? I am sure it is the kind of response the White House staff told him to give.

Mr. Johnson's answers are critical to the ability of Senators in this body to properly judge him. It goes to the essence of his qualifications for the post and one of the central areas of responsibility under his direction.

According to Senator McCAIN, Mr. Johnson said the White House prevented him from giving more complete answers.

Now that President Obama, Majority Leader REID, and the leftwing interest groups have decided and successfully nullified the Senate's constitutional right of advice and consent, why should any nominee be responsive to questions on any topic, let alone controversial ones such as: Will you enforce the immigration laws of America? Isn't that something we ought to be able to ask him? Or will you continue to direct your officers to violate their oath and not enforce the law faithfully? That is what is being done right now, as I will document, if we have time to do so.

This Department has been at the epicenter of this administration's refusal to enforce our laws. The administration's political appointees have amounted to little more than rubberstamps, and they abdicated their sworn duty to enforce the law.

The White House has summarily suspended entire portions of Federal immigration law, granting unilateral reprieves to people based on everything from family connections, age of entry, and criminal record. These policies, I fear, are only the tip of the iceberg.

The one thing Mr. Johnson was clear about in his letter is that he supports the Senate's immigration bill, one that passed the Senate, but the House has said it was dead on arrival. This bill provides amnesty without ever securing the border, that further erodes what interior law enforcement is left, is even weaker than current law, and provides the Secretary of Homeland Security unprecedented discretion and waiver authority. One of the big problems—and one of the reasons the law is not being enforced—is the Secretary says that I am waiving all of these portions of the law, and that is why you don't enforce the law, officers.

Under the bill that cleared the Senate, it gave even broader power to the Secretary to not enforce plain law.

I think there is no doubt that if Mr. Johnson is confirmed, he will use the additional powers he has to even further undermine enforcement.

Speaker BOEHNER of the House has said they will not take up the Senate bill but will take up several immigration bills in a step-by-step approach. Does anyone believe this administration will actually enforce anything they pass? They are not enforcing current law.

Before the House gets into passing laws and conferring on any kind of comprehensive bill, I urge that they start insisting—and help us insist—that this administration enforce the law they have. If they just refuse to do it, why should we assume that passing the bill has any ability to change the path we are on?

The first responsibility of Congress must be to restore the rule of law, secure the border, and bring the administration into compliance with the laws

of the United States. Until that happens, there is no reason or basis to offer any legalization plans considered in the Congress.

Congress cannot capitulate into this overreach. The first place we ought to start is Mr. Jeh Johnson, the nominee of Homeland Security. He would control the Customs officers, the Border Patrol officers, and the Immigration and Naturalization Service. Those are all under his direct control, and they need to be strengthened and not further undermined.

The record of lawlessness is what we sought to explore in our policy-oriented inquiry to Mr. Johnson, but we got no response to it.

In September 2011, the President said:

We live in a democracy. You have to pass bills through the legislature and then I can sign it.

Yet less than 1 year after he personally disputed the notion that the executive branch could not act on its own, he decided to grant legal status to a class of individuals. He instituted an action called the Deferred Action for Childhood Arrivals, a directive to all the agency department heads—all the way down to the officers at the lowest level—which would grant legal status to a mass population of individuals who are in the country illegally.

The directive, combined with the so-called Morton memo, ordered law enforcement agencies in the field to stop apprehending and removing people in the country illegally and instead allow them an opportunity to apply for legal status.

There is no law that allows them to apply for legal status. The law came up three times in Congress and three times Congress rejected the law.

As Professor Turley said, this is a big deal. Three times Congress rejects the law and then the President directed his officers to execute a law that was never passed; in fact, it was rejected.

The President told an audience in November of this year that he did not have the power to halt deportations, stating:

If, in fact, I could solve all these problems without passing this through Congress, then I would do so. We're a Nation of laws . . . the easy way out is to try to yell and pretend like I can do something by violating our laws.

He said that, but he is doing just the opposite. His statement is accurate.

Every Member of Congress should be alarmed by this.

I asked my Democratic friends who have been awfully quiet on this issue: What would you do if a President refused to enforce welfare laws or minimum wage laws or fair housing laws? What would you do if a President circumvented Congress to implement a policy you disagreed with and Congress had explicitly rejected? Would your reaction be the same silence we are seeing today?

Once the rule of law begins to be undermined, this whole Republic is in

danger. The American people get it. They talk to me about it all the time. They use different phrases. They say: What is a Constitution? The people don't tell the truth. The law is not being enforced. How can he amend ObamaCare—the Affordable Care Act?

I was taught in elementary school and high school that the President executes the laws; he doesn't make law. How can he change the law you guys just passed? I get asked that all the time. I have to say it is not a frivolous question because we have an abuse—as Professor Turley and others have said—that is very significant. It has to end. No one is above the law. That is what the judge in Texas said and that is what the judge said to President Nixon when he didn't want to do some things. He said: You are not above the law. They said it to President Clinton too.

Failure to uphold our laws violates our legal and moral responsibilities to our own citizens and those who came to this country legally and creates the preconditions necessary for a repressive and capricious government.

When the majority leader can stand before this Senate—and the rules of the Senate say that to change the rules of the Senate, you must have a two-thirds vote. In order to shut off debate, you must have 60 percent of the people vote for it. When you make a parliamentary inquiry and overrule the Parliamentarian and Presiding Officer who rule exactly that and say we can shut off debate on Presidential nominees with 51 votes, something bad has happened. That is a very clear problem we have.

I spoke to Mr. Johnson, and we had, by chance, an opportunity to have a few minutes in my office, and he said he supported the law. So I asked him why he wanted this job because he was not going to be allowed to enforce the law because this President's policies were contrary to that. He had his own ideas about immigration, inconsistent with the law of the land, and he was executing his ideas about immigration laws, not what is the law of the land.

So I am going to detail—if I don't finish, I will offer the information for the record and maybe speak on it later—a long, continuous trail of violations of law and improper policies designed to block the enforcement of law in America concerning immigration. It is stunning, and we should be talking about that with Mr. Johnson, but he doesn't have to answer our questions. He just says he will give us some general ideas about what his views are and the views he has at this time. Of course, they may change.

Most Americans probably don't know that a law enforcement officer who apprehends someone for speeding and discovers the person is illegally in the country does nothing. The Federal people will not come to pick them up; it is against the policy. They just release them on the spot. They could have caught him for other lesser offenses. They are released because people won't

come and get them. It is actually being applied to people in prison who are supposed to be deported.

In early 2009 there was an Immigration and Customs Enforcement raid—and this story explains how we got into this—initiated and planned while President Bush was in office. And he had been weak on enforcement of the laws too, but he was actually getting a little better. He called out the National Guard, and momentum was moving in the right direction. So they executed an enforcement action at an engine machine shop in Washington State, where ICE agents detained illegal immigrants without authorization. In a statement about the operation, ICE said they were investigating criminal activity. They discovered hiring records revealing a significant number of people who were using bogus Social Security numbers and counterfeit documents. They found 26 illegal immigrants working at this company. It was a completely legitimate and justified law enforcement action, but President Obama had just taken office and he had clearly promised this kind of thing wouldn't happen. Shortly thereafter, certain pro-amnesty groups criticized him. As a result, Secretary Napolitano vowed she would "get to the bottom of it." An article in the Washington Times quoted a Homeland Security official as saying, "The Secretary is not happy about it." And instead of enforcing the law, the Secretary investigated the law enforcement officers for simply doing their duty—apparently in response to some secret demand made or promises made to advocacy groups during the campaign.

I appreciate the opportunity to share these thoughts. As I said, that was the first event, and we have had a series of those since—a long list of them—that got us then to a point where we need to know where the Secretary of Homeland Security stands on these issues. We should not confirm somebody who is not crystal clear about what their policy would be for this great office and we shouldn't confirm somebody who has no apparent training or background or capacity to be the kind of strong leader we need at this point in time in history.

I see Senator MCCONNELL is on the floor. I appreciate his leadership in trying to make sure we adhere to our spending agreements and do the right thing on our spending. I thank Senator MCCONNELL for his steadfast and solid good judgment as we wrestle with some very tough issues.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. KING). The minority leader is recognized.

HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, I thank my friend from Alabama for his

kind words, and I commend him for the great job he has been doing in outlining the issues before us, not to mention the particular nominee he was speaking about.

A few weeks ago the Obama administration essentially declared that it had met its goals for fixing the ObamaCare Web site. With the Web site fixed, they led us to assume that ObamaCare was "fixed" as well, but that was never true. As I have been saying all along, the problems are much bigger than a Web site.

Even the administration's claims about the Web site have been exaggerated. Recent news reports suggest that many Americans who thought they had enrolled on the exchanges will find that they do not, in fact, have coverage on January 1, largely as a result of lingering problems with the site.

An even larger problem lies with the coverage options folks are actually finding if they manage to make it through the Web site. For folks patient enough to successfully navigate through healthcare.gov, many are finding that ObamaCare offers higher premiums, higher costs, or higher deductibles—sometimes all three—in exchange for coverage that is in many cases inferior to what they had before: fewer choices, restricted hospital networks, losing doctors our constituents know and trust. That is what many are getting in exchange for higher costs and skyrocketing premiums, even after the President promised ObamaCare would "cut costs and make coverage more affordable for families and for small businesses."

Despite the President's serial pledges to the contrary, the government's own studies on this issue now indicate that ObamaCare will actually increase the cost of health care in America by more than \$620 billion. ObamaCare will actually increase the cost of health care in America by more than \$620 billion.

As one California woman recently put it, for her, ObamaCare has meant being forced into lower coverage for more money. Many Kentuckians feel exactly the same way.

Giselle Martino is a constituent of mine from Prospect, KY. Here is what she recently wrote to me after losing her coverage:

I paid a very high premium to have a major medical plan. I am now forced into the exchange for a lesser plan with more exclusions and higher deductibles. I will most likely never reach those deductibles. How does this help me? I am basically paying into the plan for the others. If I must pay for my higher tier heart drugs anyway, why should I bother with the health plan? What a disappointment this administration has caused.

Higher costs and less care, that is what ObamaCare means for Giselle Martino.

ObamaCare has been a disappointment for Mike Conn from Prestonsburg too. Here is what he had to say about this law:

A policy that has similar coverage to what we had would cost us around \$1,100 a month. [That] is a 100-percent increase for me and

my wife. I was informed by the individual that was helping me find coverage that it was because we live in eastern Kentucky.

Mike says his plan is no longer available in that part of the State, and now he is evidently facing a 100-percent increase in cost because of where he lives—a 100-percent increase in cost because of where he lives. It is not fair.

Mike and Giselle both have every right to be upset. But that is the reality of ObamaCare for too many Kentuckians, a State where 280,000 people have already lost the coverage they had because of this law. It is a reality facing millions of Americans across our country. When the White House was asked today whether they were confident that the millions of Americans with canceled policies would be able to sign up for new insurance before January 1, they couldn't give a straight answer.

That is why we Republicans are going to maintain our focus where it belongs—on the people we represent and on the issues that truly matter to them because our constituents understand that ObamaCare is about so much more than a Web site. The administration needs to start understanding that too. Fixing a few lines of code isn't going to help people keep the plans they like, plans that work for their families. It isn't going to help our constituents afford the law's exorbitant premiums and deductibles. It isn't going to help our constituents cope with fewer choices and lower quality of care. These are the things that actually matter to the middle class.

The administration and its allies in Congress can talk until they are hoarse about a Web site or about nominees or about whatever else they think they can say to distract Americans from the failures of this law, but that isn't going to work.

To the millions of Americans suffering under ObamaCare, people should know that Republicans are on their side. We are going to keep fighting for true health reform that lowers costs, for reform that promotes choice and a better quality of care, and we are going to keep fighting against the idea that government knows better than our constituents when it comes to their families' health care. That is what our constituents expect of us, I know that is what Kentuckians expect, and that is just what Republicans are going to continue to do.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING MAYOR TOM MENINO

Ms. WARREN. Mr. President, I rise today to honor one of the great leaders in the history of Boston. It might seem odd to describe a man who is still with us today, alive and well, as a figure in history, but in the almost 400 years since Boston was founded, a history that is filled with names known across this country—Winthrop, Adams, Lowell, Lodge—in this 400-year history, few have done more for Boston than our mayor Tom Menino.

Looking back at his 20 years in office, it is clear how much Tom Menino has done for our city. Mayor Menino revitalized Boston. From the waterfront and Innovation District to Dudley Square and Roxbury, Mayor Menino led the resurgence of our neighborhoods, expanded parks and livable spaces, and created a city whose innovative potential is unbounded.

Mayor Menino worked for Boston. With firm convictions, he cautioned against predatory lenders, starting the “Don’t Borrow Trouble” campaign long before the great recession. With political will and courage, he improved education for all our kids, creating full-day kindergarten and making Boston schools some of the best in the country. With foresight of the next frontiers, he fought for hospitals and scientific research, giving Boston the world’s leading health care institutions. With fierce moral clarity, he stood firmly for equality—equal opportunity for immigrants, equal rights and equal marriage for the LGBT community, equal pay for women.

Perhaps most importantly, Mayor Menino has been there for Boston. It is often said that more than 50 percent of Boston residents have met Mayor Menino personally. I do not believe this is true. I believe the number must be much greater. It seems as if the mayor attends every community event, every potluck dinner, every school play, and every soccer game. From Grove Hall to the North End, Bowdoin to West Roxbury, we know Mayor Menino will be there for us in our moments of greatest triumph—ribbon cuttings for new buildings and parks, World Series victories, a new Bostonian’s citizenship, a child’s graduation—and we know he will be there for us in our moments of great tragedy—the death of a loved one, terror in Copley Square.

Of course, Mayor Menino could not have done it alone. By his side for all these years he has had Angela Menino. Angela is a devoted wife, mother, and grandmother. To all of us in Boston, she was not just a first lady but a first friend. Angela championed causes that often went unheralded in the press, supporting women and children, employment and education, and fighting to end homelessness. Today we thank Angela as well for helping make our city into a warm and thriving community.

Almost 400 years ago, on a ship sailing from England to the New World, John Winthrop declared that the new

city they would found, Boston, would be a “city upon a hill, the eyes of all people are upon us.” And if that experiment, our city, was to succeed, he said “we must be knit together . . . we must entertain each other in brotherly affection . . . we must rejoice together, mourn together, labor and suffer together, always having before our eyes our commission and community in the work, as members of the same body.”

For 20 years Mayor Menino has made Boston into a city that all eyes can see is a model for the country and for the world. He has succeeded because he knew all along that our fortunes depend on our work together—as one people, as one community, as one Boston.

On behalf of a grateful people, Tom Menino, we thank you for your hard work, for your service, and most of all for your dedication to making Boston a better place.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LAURA HERZOG

Mr. CORKER. Mr. President, I rise today to speak about an outstanding member of our staff, a friend, and a very special person who will soon leave the Senate—after almost 11 years of service—with her family to go to Nashville to begin the next exciting phase of their lives.

I first met Laura Lefler when she was a staffer working in Senator LAMAR ALEXANDER’s front office answering the phones and greeting visitors. I was in Washington to try to decide, like the Presiding Officer, whether running for the U.S. Senate was something I should consider. Seeing her smiling face and listening to her Tennessee accent certainly made me feel at home.

Later, after I decided to run, we became involved in one of the most difficult races in the country in 2006. I was the only new Republican to make it through. Toward the end, with the race nationalized and dealing with all kinds of issues, a whole crew of folks descended upon our office to help us get across the top. One of those was young Laura Lefler, who helped us in our communications office. I think she was surprised by the fierceness of a campaign such as this. She took it all very personally—a sign of someone you want to be at your side.

Then came the transition. Laura was the first person to open our office, and she helped us interview people and find our way through the daunting task of opening a new Senate office. When it came down to deciding who would lead our communications office, we had gotten down to people who had been here

and done it for a long time and Ms. Laura Lefler. She always said I was concerned about whether she should really be the person, and, in fairness, now that she is leaving, I will say I was. She was young. She had never done this before. Certainly I had never done this before. And I wondered whether we needed someone who was more seasoned and had different experiences. Without question, hiring Laura to lead our communications office is one of the best decisions I have ever made in my life. I cannot imagine the last 7 years without Laura in our office, and I know the rest of our staff feels the same way.

Laura has been instrumental to our office in every way. No doubt, she has done an outstanding job as a communications director. I think every person in our office, those in other offices, and the media people throughout the Capitol and throughout Tennessee would all speak to the fact that she has been a professional, she has been endearing and a responsible communications director.

She has also been instrumental in other ways, such as always ensuring that I have never forgotten where I came from. She has that knack when we are making a decision over a tough vote to slip in toward the end and sit down privately and express her own feelings—something I value greatly.

As time went on, I realized something was different about other Senate offices. Most Senate offices center around the U.S. Senator. Our office has never been that way; it has always revolved around Laura.

It began with this guy named John Herzog, whom she later married. Was he going to end up having the kind of job that would allow him to know he could support a family? And then when he did, was he going to ask her to marry him? This went on for months and months.

Then there was the wedding after he asked. I do not think I have ever seen so many photographs of dresses and flower arrangements, nor have others in our office.

Then came the decision about their home purchase. Where would it be? What would it look like? How far of a drive would it be? You know the drill.

Then came young Jack. His hair was so perfect when he was born, he instantly was dubbed “the Weatherman.” Then, of course, which daycare would he attend? Would it be close enough? Would she continue to be a communications director and a good mom? As we all knew would be the case, she has been exceptional at both.

Then more of the same in Tennessee. I remember a townhall meeting in Loudon, TN, where over 1,000 people showed up at the gymnasium—a place where Laura Lefler had been the val-
edictorian. I remember walking in with such excitement that so many people would be there at this townhall meeting to hear me discuss the big issues facing our Nation, but, not surprisingly, the first thing that was said

when I walked in the door was, "Where's Laura?"

Now, as we all knew would happen at some point, it is time for them to move on to the next phase in their lives. While we have all been a part of her life and lived the ups and downs, she has been a part of all of ours. We will miss her greatly. She knows full well that I would gladly continue to be second fiddle in our office if she would stay. But we all know it is time for her and John, with their wonderful son Jack and possibly others to come, to go back to Tennessee, time to go back and be a part of other people's lives the way they have been a part of ours.

She has made life better for all of us over the last 7 years. Her big smile and ability to take ribbing—and also dish it out—have made each day so much more enjoyable. She is a consummate professional, always seeking perfection but with the ability to make it fun along the way. We will miss her, but we are so happy for her, for John, and for Jack. We are happy for her mother, who lives just across the line in Kentucky, and her dad, who lives right up the road in Loudon. We know Nashville will be a much better place with the Herzogs there. We look forward to visiting them often, and we all hope they will continue to involve us all in their wonderful life, their story, and the evolution of the Herzog family in Tennessee.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak in morning business for approximately 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

BIPARTISAN BUDGET AGREEMENT

Ms. MIKULSKI. Mr. President, I come to the floor today to urge my colleagues to support the bipartisan budget agreement.

I congratulate our colleagues, especially Budget Committee chairwoman MURRAY for her outstanding leadership in forging this bipartisan agreement with her House counterpart, Mr. RYAN. They reached this agreement in a way that is indeed a compromise—not everyone's desired outcome but a fair and necessary one. I urge my colleagues to support it. I think it is fantastic that they actually got a budget done. This is the first time in several years we are actually going to vote on a bipartisan budget conference agreement, and I think it bodes well for future activity where we return to the due order of passing legislation, one in each House, having a conference committee to hammer out the disagreements, and then it coming back to us for final agreement.

What I like about this agreement is it creates certainty by avoiding sequester for 2 years, giving the top-line funding to us on the Appropriations Committee for 2014 and 2015. Many people

do not realize that we on the Appropriations Committee who actually put money in the Federal checkbook to be spent have a cap put on our spending by the Budget Committee. That is called the 302(a) or the top line. We have not been able to do our Appropriations Committee work because we have not had a top line. This enables us to have one for 2014. We are under a mandate to bring it back to the Senate and to the House by January 14. We will meet that deadline. It is going to be tough. It is going to be stringent. But we are going to get the job done. It also gives us certainty for 2015 so we can return to a regular order of actually knowing where we stand with our cap, holding our hearings, and bringing bills to the committee.

The other facet I like about this bipartisan budget agreement is it prevents harm. It protects seniors and families. It preserves the social safety net, such as Medicare and Social Security.

Finally, the agreement ends gridlock. The American people are tired of shutdown, slowdown, slam-down politics. This agreement ends the lurching from crisis to crisis and shows we can compromise and we can govern.

First of all, and foremost, this budget agreement creates certainty for America's businesses and families. By avoiding sequester for 2 years, it prevents further across-the-board cuts—not that we do not need strategic cuts, and we will come up with them in the Appropriations Committee—but across-the-board cuts where we do not know if a program works or if a program is dysfunctional. This way, we can actually look at those programs that we do need to cut—those that are dated, those that are duplicative, those that are dysfunctional. Sure, let's cut those.

But at the same time let's keep the good programs and make sure that they are adequately funded. I believe that avoiding the sequester and the meat-ax approach to cuts really helps us to have better governance. We will have a more frugal government, and we will have a more sensible way of spending.

It also gives us this top line funding for 2014 and 2015 for the Appropriations Committee. It means that we can write an omnibus bill. What does an omnibus bill mean? We on the Appropriations Committee have 12 subcommittees. We would like to have brought these subcommittees up one by one and have the House exercise their due diligence in looking at the bills to see what they want to add, subtract or change.

We could not do it because we failed to have this budget agreement to give us the top line. What we will now be able to do is for 2014 we will be able to bring them all up at one time in a bill called the omnibus. I hope it is a bus that really moves. It will enable us to make smart choices about our investments in America instead of government on autopilot through a continuing funding resolution.

This agreement saves America from lurching from one continuing funding resolution to another. It is a fair compromise. For 2014 it is \$45 billion above the House-proposed budget, but it is \$45 billion below the Senate-proposed budget. Our budget leadership met in the middle and really thought that would be an adequate compromise. I would have preferred the 1.058 level, but it is adequate.

The bipartisan agreement also, as I said, prevents harm to the middle class. What America is looking for, though, is not only numbers and programs and so on, they want us to get our act together. They want us to really do our job, and do it in a way that is sensible and civil.

I believe that is what was done in that budget committee. They want us to work together across the aisle and across the dome. This bipartisan agreement shows what can be done when we do meet in the middle to make progress for the middle class and for those people who are neither right or left but want to take the middle of the road.

This compromise is not perfect. Compromises never are. For me, some of the pay-fors were not exactly what I was happy about. For example, they require new Federal employees to pay more for their retirement and working-age military retirees to receive smaller COLAs. I would have preferred an agreement that closed tax loopholes or canceled some of those out-of-date farm subsidies left over from the 1930s.

However, by avoiding the sequester, we also will be able to avoid furloughs. If you talk to the civilian employees at Defense, and you talk to Federal employees in the domestic agencies about this whole idea of furloughs and sequester, some of them had to have a double furlough, such as at the FBI. We were facing furloughs in the FBI. We did not have gas for the FBI cars. That is not right.

We want to make sure we continue to fund our government and meet our responsibilities. I cannot stress enough how important this bipartisan agreement is. If we continued the path that we left and the sequester was left in place, it is would cost our economy 800,000 jobs in 1 year—800,000 jobs.

Maryland already lost 21,000 jobs because of the sequester. We have important Federal agencies. We have over 250,000 contractors, both in defense and civilian agencies, and the ripple effect through my State had an impact on institutions like Johns Hopkins and the University of Maryland and on major flagship companies like Lockheed Martin, and it was really significant.

By passing this, we have a certainty that enables us to keep those jobs. The Appropriations Committee is ready to write a funding bill that will create jobs today and jobs tomorrow. Jobs today and important investments in infrastructure, education, research and development, and jobs tomorrow.

Let's take this bipartisan agreement, and we will produce a bill. We on the

Appropriations Committee will produce a bill that meets our national security needs, our compelling human needs, and at the same time lay the groundwork for a more prosperous America.

I urge my colleagues to support this bill and end gridlock and deadlock. Let's get on with making sure that we have certainty and reliability in funding the government of the United States of America.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE

Mr. REED. Mr. President, in 12 days, unemployment insurance will expire for 1.3 million Americans. This will impact virtually every State. Over the course of the next year, it will set back millions of hard-working families, slow down job growth, and slow our economic recovery.

Today I filed three amendments to the Bipartisan Budget Agreement Act. The amendments would extend UI for 1 month, 3 months, or a year respectively. While I believe the best policy is to extend unemployment insurance for 1 year in order to keep our economic recovery moving forward, I am willing to work with my colleagues who object to extending it for the full year to find a path forward.

What we must, I think, provide is at least a message to those people that they will not see their benefits eliminated on December 28, and that we will, in fact, be working to make sure that this protection is in place for families all across this country. Over the next several days I will be coming to the floor seeking consent and urging my colleagues to extend unemployment insurance.

The expiration of unemployment insurance will be devastating to families across the entire Nation who rely on this as the last remaining source of support, in many cases for people who have worked hard for many years and because of this economy have lost their jobs.

This is a stressful time.

My home State of Rhode Island has an unemployment rate of 9.2 percent. We have been struggling since 2008 and 2009. This is very difficult for people. This difficulty will be particularly hard to bear as we celebrate the holidays—at a time when people should be able to consider and count their blessings—they will instead be looking ahead a few days afterward to the loss of valuable, irreplaceable income.

It is also a devastating blow to our local businesses and economy. Extend-

ing UI is not only doing the right thing for American families, this is doing the right and smart thing for the American economy.

The Congressional Budget Office estimates that if we fail to extend unemployment insurance, we will lose 200,000 jobs—at a time when our major priority should be getting as many jobs as we can—and will slow economic growth by about .2 percent GDP.

This is not only the right thing to do in terms of the families of America, it is the smart and right thing to do for our economy. There is a compelling, economic rationale to provide these extended unemployment insurance benefits.

Mark Zandi, a noted economist, estimates that for every \$1 we put into the UI Program we get \$1.55 in return of economic activity. It makes sense. People who are living without their income from employment, when they take this money, they go to the store, they put food on the table, they pay rent. They pay for heat in the Northeast where the President pro tempore resides.

They are not stashing it away. In some cases, they are putting it right back into the economy. So this is a wise, economic policy, as well as a humane and decent policy.

Now is not the time to let this program expire for the individuals or for the economy. We have to extend UI immediately. December 28 is the day it stops; it is a cliff. People are off the program. Then, throughout the year, as people exhaust their State benefits at 26 weeks, they fall off because there is no Unemployment Insurance Program.

This is an economy where we are just beginning to see some recovery. Last month's numbers suggested about a 200,000-job gain. That was good, but hidden in those statistics was increasing evidence that long-term unemployment is increasing. Those people who haven't found jobs quickly are not finding jobs very well at all.

That trend is continuing and that is another reason we need the long-term benefits that are provided by the Federal program.

I am going to do my best to try to bring people together to recognize that this is an issue that is about American workers. People don't get unemployment insurance unless they have worked. It is about American families, because it is so necessary to support these families, and it is about States all across this country. Rhode Island has a 9.2-percent unemployment record. Nevada is the highest with 9.3 percent.

We can look at States—North, South, East, West—scattered across this country that have unemployment rates over 8 percent that need this program for their residents. I hope we can come together, work together, and get this done.

I urge, again, in the next few days that we all stop and think about our obligations, not only to the families of

America but to keeping the momentum of economic growth moving forward. I would particularly ask those colleagues who are representing States with unemployment rates that are above the national average—and the national average is 7 percent—to think very hard about what they are going to tell many of their constituents on December 28 when they have lost their benefits.

I yield the floor and I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. COATS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFORDABLE CARE ACT

Mr. COATS. I know we will be voting shortly. The narrative out of the White House is that this health care plan is starting to work. That is not what I am hearing from home, and many are questioning this.

The Wall Street Journal today published an analysis showing how the health care law will raise premium rates. We all are familiar with the President's promise that rates will not increase under the ObamaCare, Affordable Care Act. According to The Wall Street Journal, Americans—particularly young, healthy adults—"could see insurance rates double or even triple when they look to buy individual coverage." Other groups, Oliver Wyman, PricewaterhouseCoopers, and Milliman, all issued reports estimating that ObamaCare would increase premiums by up to 60 percent.

On and on this drama goes with broken promises. The American people are learning and discovering promises were made when this law was passed—and all through the 3½ years leading up to where we are—and assurances were coming from the President and the White House: Don't worry. Your premiums won't go up, period. You can keep the doctor that you have, period. It is not going to cost any more money, period.

Those promises have been broken and Hoosiers are finding out about this every day.

Regardless of the statements coming out—don't worry, everything is going to be OK, sort of take it to the bank, trust us—that is not what is happening on the ground.

People are writing to me. They are calling our office. They are tweeting, emailing, and doing everything they can to give us these horror stories, saying: Do I have to do this?

Unfortunately, they do. Edward from Chesterton, IN, said he has spent countless hours on healthcare.gov searching for a health care plan. He discovered that the plans offered under the ObamaCare exchange had expensive premiums that he hadn't anticipated. In order to afford the monthly premiums, he has to choose the plan for

his family with unaffordable deductibles in order to keep his premiums at the level he can afford to pay. It is basically: Edward, don't get sick. Don't have a medical expense throughout your family every year, and you will be OK. But if you do, what you didn't pay in premiums you are going to have to pay in much higher deductibles.

John from Martinsville, IN, was finally able to get on the healthcare.gov Web site. He found the bronze plan that was going to be at least \$100 more per month. He doesn't qualify for a government subsidy, and he doesn't see any way this new law will be saving money for his family. John says the only thing he sees is that he now will be subsidizing the health care system even more than before the law was passed.

DeWayne from Shipshewana, IN, wrote to tell me that not only is the small group health insurance plan his business currently offers not available any longer starting in 2014, but in his 15 years of administering the business health plans, he said he has never seen a rate increase this high.

DeWayne's health insurance plan for him and his business employees will increase 65 percent in this coming year. DeWayne's small group health insurance is increasing 65 percent for 2014—and this is called the Affordable Care Act?

I wish to give one more broken promise. William from Granger, IN, wrote and told me that his wife who works as a part-time nurse will no longer be offered health care since she works part-time. I assume they have children at home or maybe the hospital has determined they want to stay under that 40-hour workweek level, so they put her on part-time. I am not exactly sure what the case is.

In any event, they have discovered they will have premiums rise from \$11,544 a year under their current plan to \$19,076 per year, an increase of over \$7,500.

He goes on to say: "So much for [the President's promise] if you like your plan . . . if you like your doctor . . . your costs will go down by \$2,500."

William's costs go up by \$7,500.

This isn't only Republicans in Washington highlighting these health care costs. These are Hoosiers from all backgrounds, Republicans, Democrats, and from all walks of life, sharing their stories with me about how they are paying the price for the President's broken promises.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ANNE W. PATTERSON TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS)

The PRESIDING OFFICER. Under the previous order the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Ambassador, to be an Assistant Secretary of State (Near Eastern Affairs).

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the nomination of Anne W. Patterson, of Virginia, to be an Assistant Secretary of State?

Mr. COATS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Arizona (Mr. MCCAIN) would have voted "nay."

The result was announced—yeas 78, nays 16, as follows:

[Rollcall Vote No. 274 Ex.]

YEAS—78

Ayotte	Durbin	Levin
Baldwin	Feinstein	Manchin
Baucus	Fischer	Markey
Begich	Flake	McCaskill
Bennet	Franken	McConnell
Blumenthal	Gillibrand	Menendez
Booker	Grassley	Merkley
Boozman	Hagan	Mikulski
Boxer	Harkin	Murkowski
Brown	Hatch	Murphy
Burr	Heinrich	Murray
Cantwell	Heitkamp	Nelson
Cardin	Hirono	Portman
Carper	Hoeven	Pryor
Casey	Inhofe	Reed
Chambliss	Isakson	Reid
Coats	Johnson (SD)	Rockefeller
Cochran	Johnson (WI)	Sanders
Collins	Kaine	Schatz
Coons	King	Schumer
Corker	Klobuchar	Shaheen
Cornyn	Landrieu	Stabenow
Donnelly	Leahy	Tester

Thune
Toomey
Udall (CO)

Udall (NM)
Warner
Warren
Whitehouse
Wicker
Wyden

NAYS—16

Alexander
Barrasso
Coburn
Crapo
Cruz
Enzi

Heller
Johanns
Lee
Moran
Risch
Roberts
Rubio
Scott
Sessions
Shelby

NOT VOTING—6

Blunt
Graham
Kirk
McCaIn
Paul
Vitter

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security.

Harry Reid, Sherrod Brown, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

QUORUM CALL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 13]

Alexander	Grassley	Nelson
Ayotte	Harkin	Portman
Baldwin	Hatch	Pryor
Barrasso	Heinrich	Reid
Baucus	Heitkamp	Risch
Bennet	Heller	Roberts
Booker	Hoeven	Rockefeller
Boozman	Isakson	Sanders
Boxer	Johnson (WI)	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Scott
Cardin	Landrieu	Sessions
Coats	Leahy	Shaheen
Coburn	Lee	Stabenow
Cochran	Manchin	Thune
Cornyn	Markey	Toomey
Crapo	McConnell	Udall (NM)
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Fischer	Murkowski	
Franken	Murray	

The PRESIDING OFFICER. A quorum is present.

The question is, Is it the sense of the Senate that debate on the nomination of Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator

from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Arizona (Mr. MCCAIN) would have voted "nay."

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 37, as follows:

[Rollcall Vote No. 275 Ex.]

YEAS—57

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Reid
Boxer	Kaine	Rockefeller
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskey	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden

NAYS—37

Alexander	Enzi	Moran
Ayotte	Fischer	Portman
Barrasso	Flake	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rubio
Chambliss	Heller	Scott
Coats	Hoeven	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Corker	Johanns	Toomey
Cornyn	Johnson (WI)	Wicker
Crapo	Lee	
Cruz	McConnell	

NOT VOTING—6

Blunt	Kirk	Paul
Graham	McCain	Vitter

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 37.

The motion is agreed to.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the remaining votes this evening be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NOMINATION OF JEH CHARLES JOHNSON TO BE SECRETARY OF HOMELAND SECURITY

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security.

The PRESIDING OFFICER. Cloture having been invoked, under the previous order all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Jeh Charles Johnson, of New Jersey, to be Secretary of Homeland Security.

Mr. COATS. I ask for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Louisiana (Mr. VITTER).

The result was announced—yeas 78, nays 16, as follows:

[Rollcall Vote No. 276 Ex.]

YEAS—78

Alexander	Feinstein	Mikulski
Ayotte	Flake	Moran
Baldwin	Franken	Murkowski
Barrasso	Gillibrand	Murphy
Baucus	Hagan	Murray
Begich	Harkin	Nelson
Bennet	Hatch	Pryor
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Reid
Boxer	Heller	Roberts
Brown	Hirono	Rockefeller
Burr	Isakson	Sanders
Cantwell	Johanns	Schatz
Cardin	Johnson (SD)	Schumer
Carper	Johnson (WI)	Shaheen
Casey	Kaine	Stabenow
Chambliss	King	Tester
Coats	Klobuchar	Thune
Coburn	Landrieu	Toomey
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Coons	Manchin	Warner
Corker	Markey	Warren
Donnelly	McCaskey	Whitehouse
Durbin	Menendez	Wicker
Enzi	Merkley	Wyden

NAYS—16

Boozman	Hoeven	Rubio
Cornyn	Inhofe	Scott
Crapo	Lee	Sessions
Cruz	McConnell	Shelby
Fischer	Portman	
Grassley	Risch	

NOT VOTING—6

Blunt	Kirk	Paul
Graham	McCain	Vitter

The nomination was confirmed.

Mr. LEAHY. Mr. President, I am pleased to support the confirmation of Jeh Johnson to be the Secretary of Homeland Security. Mr. Johnson's distinguished career in public service, including his service as a Federal prosecutor and as general counsel of the Department of Defense, will suit him well as he takes on this new and very challenging responsibility. I look forward to inviting Mr. Johnson to testify before the Senate Judiciary Committee for an oversight hearing in the new year, which he has committed to do. Mr. Johnson will oversee many issues within the Judiciary Committee's jurisdiction, not the least of which is Federal immigration policy.

I had the opportunity to meet with Mr. Johnson recently and discuss some of the issues that have been of interest to me over the last several years. I encouraged him to continue to support the exceptional work U.S. Citizenship and Immigration Services Director Alejandro Mayorkas has done to make

USCIS a better, stronger agency. In particular, I encouraged Mr. Johnson to build upon Director Mayorkas' work to strengthen and improve the EB-5 Regional Center Program, which is a successful, job-creating immigration program that has transformed parts of Vermont and other communities across the country. I look forward to working with Mr. Johnson and Director Mayorkas following his confirmation as Deputy Secretary for Homeland Security to continue the partnership the Senate Judiciary Committee developed with USCIS to make the improvements necessary to maintain the highest standards of integrity in this important program, and to sustain it as a significant economic engine for the United States.

I relayed to Mr. Johnson my concerns about Border Patrol checkpoints in the interior of the country, such as the one that the previous administration implemented and operated nearly 100 miles south of the Canadian border on Interstate 91 in Vermont. Over the past several years, I have heard from many Vermonters who find the idea of a Federal checkpoint 100 miles from the Canadian border, deep into the State of Vermont, entirely inconsistent with Vermont values and an overbearing Federal presence that creates an environment susceptible to racial profiling and the needless harassment of law abiding citizens. I continue to have serious questions about the effectiveness of checkpoints such as these, especially when weighed against the significant intrusion into the privacy of Americans.

I also discussed with Mr. Johnson my concerns related to the treatment of Americans returning to the United States, in particular the practice of CBP officials conducting warrantless searches of Americans' persons and belongings, including conducting forensic searches of electronic devices. These searches within the border zone are not subject to the usual protections provided by the Fourth Amendment to Americans. Recent CBP activities have raised serious questions about whether Federal officials are circumventing the protections of the Fourth Amendment by conducting opportunistic searches on individuals when those officials know they will be reentering the United States. As I wrote in a letter to the current acting secretary, such authority must be used with great restraint. I look forward to continuing my discussions about these important issues with Mr. Johnson.

Finally, I will seek to work with Mr. Johnson to address the overbroad material support bar in our immigration law. It has resulted in people, including vulnerable refugees, being unfairly barred from the United States based solely on de minimus commercial or social conduct that has negligible connection to the support of terrorism. One example involves an individual who sold flowers to members of a terrorist group, and is now considered to

have provided “material support” to terrorism. That simply does not make sense and must be changed. As I have with his predecessors, I will urge Mr. Johnson to address this unjust situation as soon as possible after he takes office.

I congratulate Jeh Johnson on his confirmation and look forward to working with him as Secretary of Homeland Security.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ALEJANDRO NICHOLAS MAYORKAS TO BE DEPUTY SECRETARY OF HOMELAND SECURITY

Mr. REID. I now move to proceed to executive session to consider Calendar No. 456.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Louisiana (Mr. VITTER).

The result was announced—yeas 53, nays 38, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—53

Baldwin	Franken	Merkley
Baucus	Gillibrand	Mikulski
Begich	Hagan	Murphy
Bennet	Harkin	Murray
Blumenthal	Heinrich	Nelson
Booker	Heitkamp	Pryor
Boxer	Hirono	Reed
Brown	Johnson (SD)	Reid
Cantwell	Kaine	Rockefeller
Cardin	King	Sanders
Carper	Klobuchar	Schatz
Casey	Leahy	Schumer
Coons	Manchin	Shaheen
Donnelly	Markey	Stabenow
Durbin	McCaskill	Tester
Feinstein	Menendez	

Udall (CO)	Warner	Whitehouse
Udall (NM)	Warren	Wyden

NAYS—38

Alexander	Enzi	Moran
Barrasso	Fischer	Murkowski
Boozman	Flake	Portman
Burr	Grassley	Risch
Chambliss	Hatch	Roberts
Coats	Heller	Rubio
Coburn	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Lee	Wicker
Cruz	McConnell	

NOT VOTING—9

Ayotte	Kirk	McCain
Blunt	Landrieu	Paul
Graham	Levin	Vitter

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Alejandro Nicholas Mayorkas, of the District of Columbia, to be Deputy Secretary of Homeland Security.

CLOTURE MOTION

Mr. REID. Mr. President, I would ask the clerk to report a cloture motion under the direction of the Chair.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Alejandro Nicholas Mayorkas, of the District of Columbia, to be Deputy Secretary of Homeland Security.

Harry Reid, Thomas R. Carper, Barbara Boxer, Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tom Udall, Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Mazie Hirono, Christopher A. Coons, Jon Tester, Brian Schatz, Martin Heinrich, Claire McCaskill, Heidi Heitkamp, Kirsten E. Gillibrand.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I move to proceed to legislative session.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Mr. President, I got ahead of myself. I ask unanimous consent that the Senate move to legislative session.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JOHN ANDREW KOSKINEN, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF INTERNAL REVENUE

Mr. REID. Mr. President, I now move to proceed to executive session to consider Calendar No. 459.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. KIRK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 37, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—55

Baldwin	Hagan	Nelson
Baucus	Harkin	Pryor
Begich	Hatch	Reed
Bennet	Heinrich	Reid
Blumenthal	Heitkamp	Rockefeller
Booker	Hirono	Sanders
Boxer	Johnson (SD)	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Manchin	Udall (CO)
Collins	Markey	Udall (NM)
Coons	McCaskill	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murphy	
Gillibrand	Murray	

NAYS—37

Alexander	Enzi	Murkowski
Ayotte	Fischer	Portman
Barrasso	Flake	Risch
Boozman	Grassley	Roberts
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Lee	Wicker
Crapo	McConnell	
Cruz	Moran	

NOT VOTING—8

Blunt	Landrieu	Paul
Graham	Levin	Vitter
Kirk	McCain	

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of John Andrew

Koskinen, of the District of Columbia, to be Commissioner of Internal Revenue.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John Andrew Koskinen, of the District of Columbia, to be Commissioner of Internal Revenue.

Harry Reid, Max Baucus, Barbara Boxer, Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tom Udall, Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Christopher A. Coons, Mazie K. Hirono, Kirsten E. Gillibrand, Jon Tester, Brian Schatz, Martin Heinrich, Claire McCaskill, Joe Donnelly, Heidi Heitkamp.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

BRIAN J. DAVIS TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 382.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Brian J. Davis, of Florida, to be United States District Judge for the Middle District of Florida.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Brian J. Davis, of Florida, to be United States District Judge for the Middle District of Florida.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom

Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF JANET L. YELLEN TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. REID. I move to proceed to executive session to consider Calendar No. 452.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Janet L. Yellen, of California, to be Chairman of the Board of Governors of the Federal Reserve System.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Janet L. Yellen, of California, to be Chairman of the Board of Governors of the Federal Reserve System.

Harry Reid, Tim Johnson, Barbara Boxer, Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tom Udall, Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Mazie K. Hirono, Jon Tester, Brian Schatz, Martin Heinrich, Claire McCaskill, Heidi Heitkamp, Kirsten E. Gillibrand.

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF SLOAN D. GIBSON TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS

Mr. REID. I move to proceed to executive session to consider Calendar No. 455.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Sloan D. Gibson, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Sloan D. Gibson, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.

Harry Reid, Barbara Boxer, Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tom Udall, Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Mazie K. Hirono, Christopher A. Coons, Jon Tester, Martin Heinrich, Brian Schatz, Claire McCaskill, Heidi Heitkamp, Kirsten E. Gillibrand.

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF SARAH SEWALL TO BE AN UNDER SECRETARY OF STATE (CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS)

Mr. REID. I move to proceed to executive session to consider Calendar No. 445.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Sarah Sewall, of Massachusetts, to be an Under Secretary of State (Civilian Security, Democracy, and Human Rights).

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Sarah Sewall, of Massachusetts, to be an Under Secretary of State (Civilian Security, Democracy, and Human Rights).

Harry Reid, Robert Menendez, Barbara Boxer, Mark Begich, Richard

Blumenthal, Benjamin L. Cardin, Tom Udall, Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Mazie K. Hirono, Christopher A. Coons, Jon Tester, Brian Schatz, Martin Heinrich, Heidi Heitkamp, Kirsten E. Gillibrand.

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF MICHAEL L. CONNOR TO BE DEPUTY SECRETARY OF THE INTERIOR

Mr. REID. I move to proceed to executive session to consider Calendar No. 371.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Michael L. Connor, of New Mexico, to be Deputy Secretary of the Interior.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Michael L. Connor, of New Mexico, to be Deputy Secretary of the Interior.

Harry Reid, Sherrod Brown, Richard J. Durbin, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF SARAH BLOOM RASKIN TO BE DEPUTY SECRETARY OF THE TREASURY

Mr. REID. I move to proceed to executive session to consider Calendar No. 457.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Sarah Bloom Raskin, of Maryland, to be Deputy Secretary of the Treasury.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Sarah Bloom Raskin, of Maryland, to be Deputy Secretary of the Treasury.

Harry Reid, Tim Johnson (SD), Barbara Boxer, Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tom Udall (NM), Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Mazie K. Hirono, Christopher A. Coons, Jon Tester, Brian Schatz, Martin Heinrich, Claire McCaskill, Heidi Heitkamp, Kirsten E. Gillibrand.

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF JESSICA GARFOLA WRIGHT TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

Mr. REID. I now move to proceed to executive session to consider Calendar No. 356.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Jessica Garfola Wright, of Pennsylvania, to be Under Secretary of Defense for Personnel and Readiness.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Jessica Garfola Wright, of Pennsylvania, to be Under Secretary of Defense for Personnel and Readiness.

Harry Reid, Carl Levin, Barbara Boxer, Mark Begich, Richard Blumenthal,

Benjamin L. Cardin, Tom Udall (NM), Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Mazie K. Hirono, Jon Tester, Martin Heinrich, Brian Schatz, Claire McCaskill, Heidi Heitkamp, Kirsten E. Gillibrand.

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF RICHARD J. ENGLER TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Mr. REID. I now move to proceed to executive session to consider Calendar No. 189.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Richard J. Engler, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Richard J. Engler, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board.

Harry Reid, Barbara Boxer, Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tom Udall (NM), Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Claire McCaskill, Patrick J. Leahy, Mazie K. Hirono, Jon Tester, Martin Heinrich, Brian Schatz, Heidi Heitkamp, Kirsten E. Gillibrand.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to proceed to morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. It is my understanding that Senator SESSIONS tonight wants

to speak for up to 30 minutes. So everybody would be limited to 10 minutes each, except for him.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOMETOWN HEROES SURVIVORS BENEFITS ACT

Mr. LEAHY. Mr. President, today I am proud to recognize the 10th anniversary of the enactment of the "Hometown Heroes Survivors Benefits Act" which occurred this past Saturday. Back in 2003, I worked with a bipartisan group of Senators to pass this legislation to improve the Department of Justice's Public Safety Officers' Benefits—PSOB—program by allowing families of public safety officers who suffer fatal heart attacks or strokes to qualify for Federal survivor benefits. I am proud to mark the 10-year anniversary of this important program.

I first want to thank each of our Nation's brave law enforcement officers, firefighters, and emergency medical responders for the work they do for the American public each and every day. This legislation, like the Public Safety Officers Benefits program, is for them. It is Congress' recognition of the importance of their service to their communities and to the Nation.

Our public safety officers are often the first to respond to a crime scene or emergency situation. They are often the first line of defense in a natural disaster or national security emergency. They are among our most courageous and dedicated public servants. I applaud their efforts in responding to more than 240 million emergency calls each year—whether those calls involve a fire, crime, medical emergency, natural disaster, or act of terrorism—without hesitation. They act with a steadfast commitment to the safety and protection of their fellow citizens and, sadly, sometimes lose their own lives in the protection of their communities.

Each year, hundreds of public safety officers nationwide lose their lives and thousands more are injured while performing their duties. And while these benefits can never be a substitute for the loss of a loved one, the families of all these fallen heroes deserve this financial support from the Federal government.

The PSOB program was established in 1976 to authorize a one-time financial payment to the eligible survivors of Federal, State, and local public safety officers who die in the line of duty. While there had been various efforts over the years to improve the program leading up to 2003, the benefits did not extend to officers suffering a fatal heart attack or stroke from a work-related, non-traumatic injury, such as stress or strain from the job.

The Hometown Heroes Act of 2003 expanded PSOB coverage to ensure that the survivors of public safety officers who die of heart attacks or strokes in the line of duty or within 24 hours of a

triggering effect while on duty—regardless of whether a traumatic injury is present at the time of the heart attack or stroke—are eligible to receive financial benefits. Ensuring public safety is dangerous, grueling, and stressful work. A first responder's chances of suffering a heart attack or stroke exponentially increases when he or she puts on heavy equipment and rushes into a burning building or gets into a shootout with dangerous criminals. Since enactment of the Hometown Heroes law, the Department of Justice has approved 373 claims. This is 373 families who have received this important support in the face of a tragedy. The families of these brave public servants deserve coverage under the PSOB program and I am grateful that Congress was able to pass legislation to make sure the law covered these situations.

Over the past few years I have increasingly sought ways to improve the PSOB program. Last year, as part of the National Defense Authorization Act, I was successful in adding to that legislation the Dale Long Act. The inclusion of this amendment fixed coverage gaps in the Federal PSOB program by extending benefits to private, non-emergency medical services—EMS—volunteers and personnel. In Vermont alone, this change covers an estimated 1,200 EMS personnel for the program. This legislation also streamlined what had been an unwieldy and unnecessarily long appeals process for claimants, clarified the list of eligible survivor recipients, and eliminated an artificial distinction under current law to include vascular ruptures as a type of injury that would make a public safety officer's survivors qualified for Hometown Heroes benefits. Since 2012, as a result of the Dale Long Act's enactment, an additional 23 Hometown Heroes cases have been approved.

Finally, I want to recognize the outstanding work of Director Denise O'Donnell and her staff at the Department of Justice's Bureau of Justice Assistance. Under Director O'Donnell's leadership, her dedicated staff has put into place significant reforms and improvements to the program that have increased efficiency, transparency, and communication with the survivors of fallen first responders with pending claims. They are putting to good use the new statutory provisions that were enacted as part of the Dale Long Act provisions that make the program more cost effective and easier for administrators and claimants to find resolution. As a former prosecutor, Director O'Donnell understands the importance of this program to first responders across the country and she has worked very hard to listen to their concerns and act on them. I know the staff members within the PSOB program office recognize the solemnity and importance of the work they do and recognize that each case represents a family that has endured a great sacrifice. They carry out their duties with

the respect these cases deserve and I thank them as they continue to carry out the promise Congress made to America's first responders over 30 years ago.

Public safety officers are part of the bedrock of our Nation. We must continue to recognize their hard work and selfless dedication to communities across this country and ensure that they and their families have the protections they need and most certainly deserve.

JAMES NOMINATION

Mr. INHOFE. Mr. President, the process for running these nominees through the Senate is unnecessary and contrived simply to ignore a number of Republican concerns.

I do not oppose all the nominees, however. I wish to strongly support the confirmation of Deborah James for Secretary of the U.S. Air Force. With three Air Force installations in Oklahoma—Tinker Air Force Base in Oklahoma City, Altus Air Force Base, and Vance Air Force Base in Enid—the Air Force has long been a part of the fabric of the State of Oklahoma. Oklahoma is home to five major military installations between the U.S. Air Force and U.S. Army. They employ thousands of Oklahomans and contract work throughout the State being responsible for a tremendous role in Oklahoma's economy. These installations enjoy the strong support of the communities in which they are located and the entire State of Oklahoma.

The Senate Armed Services Committee held a nomination hearing on Ms. James back in September. In addition, I have met with Ms. James, and I have had an opportunity to discuss with her my concerns about this unprecedented period in which the readiness and capabilities of the Air Force are at significant risk because of budget cuts and sequestration.

For example, the Air Force was forced to ground one-third of its combat coded active squadrons for a time during fiscal year 2013 and according to the Chief of Staff of the Air Force it will now cost a minimum of 10 percent more flying hours to fully retrain the grounded squadrons than it would have to simply keep them trained all along. Further, General Welsh stated that sequestration in fiscal year 2014 could force flying hours to be cut by 15 percent and within 3 to 4 months, many units would be unable to fly at rates required to maintain mission readiness.

Ms. James has over 30 years of senior homeland and national security management, policy, and program experience in government and the private sector. She served with SAIC in McLean, VA from 2002 as the president of SAIC Technical and Engineering Sector, executive vice president for communications and government affairs, and senior vice president for Homeland Security. Prior to those positions, she served as vice president for

International Operations and Marketing at United Technologies from 1998 to 2000.

She served as Assistant Secretary of Defense for Reserve Affairs from 1993 to 1998, overseeing all matters pertaining to the National Guard and Reserve Forces. She has significant experience working with Congress, as a former professional staff member on the House Armed Services Committee from 1983 to 1993. She has a bachelor's degree in comparative studies from Duke University and a master's degree in international affairs from Columbia University.

I believe she is very qualified and ready to start her new role. I look forward to working with Secretary James in her new role and strongly congratulate her.

However, I would like to point out that these nominations are not without controversy which may be why the Democratic majority would rather ignore the minority and change the Senate for the first time in over 200 years.

For example, Ms. Patricia Wald who the Administration nominated to serve on the Privacy and Civil Liberties Oversight Board has written that those accused of terrorism should be given access to the civilian trial court system and be afforded the protections of simple criminal defendants. These views ignore the devastating effects of terrorism and ignore our actual war against terrorism around the world. These acts are not simply criminal acts, they threaten our entire country. This should be the subject of debate in the Senate, not simply brushed aside for quick confirmations.

Earlier the Senate voted on the nominations of two district court judges for Montana. These are lifetime appointments. The Senate confirmed these judges by a wide margin, but the Senate should not simply group a number of nominations together to pass for lifetime appointments for circuit and district judicial vacancies simply because the majority does not even want to work with the minority. This session will end with continued confirmation votes. It is to the detriment of both parties if the prerogatives, priorities, and concerns of the minority are not considered in the Senate, but it will not be easily overlooked.

Mr. INHOFE. Mr. President, it is with great pleasure that I join my friend Senator MANCHIN from West Virginia in introducing legislation authorizing a Congressional Gold Medal for United States Air Force Fighter Aces.

This bill specifically honors those American pilots who have shot down five or more enemy aircraft in aerial combat during a war or conflict in which American armed forces have participated.

Since the First World War, there have been 60,000 American fighter pilots who have taken to the air in harm's way, but only 1,444 have become fighter aces. Our bill authorizes the U.S. Mint to strike—at no cost to the

taxpayer—a medal of appropriate design to American fighter aces in recognition of their heroic military service and defense of our country's freedom, which as spanned the history of aviation warfare.

American Fighter Aces hail from every State in the Union are one of the most decorated military groups in American history. Twenty-two fighter aces have achieved the rank of admiral, and 79 have achieved the rank of general in the Army, Air Force, and Marines. And there are 19 Medal of Honor recipients.

One of those aces hailed from my home State of Oklahoma.

BG Robinson "Robbie" Risner was from Tulsa, OK, my hometown, and a fellow graduate of Tulsa Central High School in 1942. Risner then enlisted in the U.S. Army Air Force as an aviation cadet and began his career as one of America's most celebrated Fighter Aces.

After being stationed in Panama during World War II, he returned home to serve in the Oklahoma Air National Guard until he was called to fight in the Korean war. There, he flew 108 missions in his sweptwing F-86 Sabre and became an ace by shooting down eight enemy MiG-15s. He also received one of two Silver Stars in his valiant attempt to save a fellow pilot.

During the Vietnam war, General Risner flew 55 missions and led the first flight of air strikes over North Vietnam in Operation Rolling Thunder, earning him the Air Force Cross.

While flying in another raid in his F-105 Thunderchief on September 16, 1965, he took fire and was forced to bail out. He was captured and was a prisoner of war for 7 years 4 months and 27 days, serving most of his time in the infamous Hanoi Hilton. He was kept shackled for weeks at a time and spent more than 3 years in a darkened, solitary cell. In his 1973 memoir, "The Passing of the Night: Seven Years as a Prisoner of the North Vietnamese," he wrote, "I did not ask God to take me out of it. I prayed he would give me strength to endure it."

After his release in 1973, General Risner returned to the air in the F-4 Phantom II in the 1st Tactical Fighter Wing at MacDill Air Force Base, FL. He was later transferred to Cannon Air Force Base, NM, in February 1974 to command the 832d Air Division, in which he flew the F-111 Aardvark. He was promoted to brigadier general in May 1974, became vice commander of the USAF Tactical Fighter Weapons Center at Nellis Air Force Base, NV, in 1975 and retired in 1976. He spent his retirement years involved in community service projects and spoke often before gatherings of veterans and other pilots.

He was inducted into the Oklahoma Hall of Fame in 1974 and passed away in his sleep on October 22, 2013, at the age of 88.

I salute Gen Robbie Risner and all other American fighter aces who have served our country so courageously and

selflessly. It is my honor to be associated with the introduction of this legislation today which authorizes a Congressional Gold Medal for U.S. Air Force fighter aces.

TRIBUTE TO STEPHEN LILLEY

Mr. WHITEHOUSE. Mr. President, any Senator will acknowledge that each of us is only as effective as the staff who support us. For nearly as long as I have been a Member of this body, I have enjoyed the benefit of the considerable abilities and expertise of Stephen Lilley. Stephen's tenure on my staff has drawn to a close, and the U.S. Senate loses a gifted lawyer and a dedicated public servant.

Stephen joined my team in 2008 as a Heyman Federal Public Service fellow and quickly demonstrated a keen understanding of the workings of the Senate and of the Judiciary Committee. Unwilling to part with either his sharp legal analysis or his good humor, we brought him on board full time as a counsel after his fellowship ended. After more outstanding work, he was soon promoted to chief counsel on the Subcommittee on Administrative Oversight and the Courts and later the Subcommittee on Crime and Terrorism.

Stephen has ably staffed hundreds of committee hearings and markups and advised me on every issue under the wide-ranging jurisdiction of the Judiciary Committee. In particular, he played a key role in the investigation of the Subcommittee on Administrative Oversight and the Courts into the use of so-called enhanced interrogation techniques in the aftermath of the terrorist attacks of September 11, 2001; he helped me during the confirmation of two Justices to the Supreme Court; he worked with me to promote and defend the role of the civil jury; and he has emerged as one of the Senate's leading experts on cybersecurity and intellectual property, facilitating immensely complex negotiations that brought us to the brink of comprehensive cyber legislation.

In addition to producing great work, Stephen elevated the work of those around him. His diligence, his ability to work well with other offices, his passion for doing right, and—not least—his sharp and dry wit, all made him a pleasure to work with. I particularly wish to thank his wife Jaynie and his daughter Mary Win for supporting Stephen and for sharing him with us.

Stephen's hard work brought him success before his arrival at the Senate, whether at Princeton University, where he graduated summa cum laude; at Yale University, where he earned his law degree; or as a clerk to Judge Thomas Ambro on the U.S. Court of Appeals for the Third Circuit and Judge Jeremy Fogel on the U.S. District Court for the Northern District of California. I have no doubt he will find continued success in all of his future endeavors.

Theodore Roosevelt reminded us of the credit due to the man who spends

himself in a worthy cause. I gratefully credit Stephen Lilley for his exceptional service to the Senate, the people of Rhode Island, and the United States of America.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3770. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Energy Efficiency and Conservation Loan Program" (RIN0572-AC19) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3771. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Bovine Spongiform Encephalopathy; Importation of Bovines and Bovine Products" (RIN0579-AC68) (Docket No. APHIS-2008-0010) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3772. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Capital Planning" (RIN3052-AC80) received in the Office of the President of the Senate on November 7, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3773. A communication from the Acting Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Single Family Housing Guaranteed Loan Program" (RIN0575-AC18) received in the Office of the President of the Senate on December 9, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3774. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Richard C. Harding, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3775. A communication from the Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Terry A. Wolff, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3776. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Allen G. Myers, IV, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-3777. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the Government of Panama requesting the U.S. Government to destroy eight U.S.-origin munitions remaining from testing by the United States on San Jose Island off the coast of Panama; to the Committee on Armed Services.

EC-3778. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Unallowable Fringe Benefit Costs" (RIN0750-AH76) (DFARS Case 2012-D038) received during adjournment of the Senate in the Office of the President of the Senate on December 5, 2013; to the Committee on Armed Services.

EC-3779. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Preparation of Letter of Offer and Acceptance" (RIN0750-AH84) (DFARS Case 2012-D048) received during adjournment of the Senate in the Office of the President of the Senate on December 5, 2013; to the Committee on Armed Services.

EC-3780. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary, Fair Housing and Equal Opportunity, Department of Housing and Urban Development, received during adjournment of the Senate in the Office of the President of the Senate on December 5, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-3781. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, received during adjournment of the Senate in the Office of the President of the Senate on December 5, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-3782. A communication from the Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Amendments to the 2013 Mortgage Rules Under the Equal Credit Opportunity Act (Regulation B), Real Estate Settlement Procedures Act (Regulation X), and the Truth in Lending Act (Regulation Z)" (RIN3170-AA37) (Docket No. CFPB-2013-0018) received in the Office of the President of the Senate on December 11, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-3783. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Definitions of Transmittal of Funds and Funds Transfer" (RIN1506-AB20) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-3784. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was originally declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-3785. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List; Amendment of Entity List Entries; and Removal of One Person from the Entity List Based on a Removal Request" (RIN0694-AF96) received during adjournment of the Senate in the Office of the President of the

Senate on December 4, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-3786. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2013-0002)) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-3787. A communication from the Acting Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2013; to the Committee on Energy and Natural Resources.

EC-3788. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System; New River Gorge National River, Bicycling" (RIN1024-AD95) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Energy and Natural Resources.

EC-3789. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System; Curecanti National Recreation Area, Snowmobiles and Off-Road Motor Vehicles" (RIN1024-AD76) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Energy and Natural Resources.

EC-3790. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Transmission Planning Reliability Standards" (Docket Nos. RM12-1-000 and RM13-9-000) received in the Office of the President of the Senate on November 19, 2013; to the Committee on Energy and Natural Resources.

EC-3791. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Communication of Operational Information between Natural Gas Pipelines and Electric Transmission Operators" (RIN1902-AE72) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Energy and Natural Resources.

EC-3792. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Version 5 Critical Infrastructure Protection Reliability Standards" (Docket No. RM13-5-000) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Energy and Natural Resources.

EC-3793. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the updated Morganza to the Gulf of Mexico, Louisiana, hurricane and storm damage risk reduction project; to the Committee on Environment and Public Works.

EC-3794. A communication from the Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the Corporation's annual financial audit and

management report for the fiscal year ending September 30, 2013; to the Committee on Environment and Public Works.

EC-3795. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Voluntary Withholding on Dividends and Other Distributions by Alaska Native Corporations” (Notice 2013-77) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2013; to the Committee on Finance.

EC-3796. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2013 Base Period T-Bill Rate” (Rev. Rul. 2013-24) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2013; to the Committee on Finance.

EC-3797. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Update of CC: INTL No-Rule Revenue Procedure, Rev. Proc. 2013-7” (Rev. Proc. 2014-7) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2013; to the Committee on Finance.

EC-3798. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Tier 2 Tax Rates for 2014” received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2013; to the Committee on Finance.

EC-3799. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “User Fees for Processing Installment Agreements and Offers in Compromise” ((RIN1545-BL37)(TD 9647)) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2013; to the Committee on Finance.

EC-3800. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Dividend Equivalents from Sources within the United States” ((RIN1545-BK53)(TD 9648)) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2013; to the Committee on Finance.

EC-3801. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Net Investment Income Tax” ((RIN1545-BK44)(TD 9644)) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2013; to the Committee on Finance.

EC-3802. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to groups designated by the Secretary of State as Foreign Terrorist Organizations (OSS 2013-1799); to the Committee on Foreign Relations.

EC-3803. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the United States strategy to countering the threat posed by Boko Haram (OSS 2013-1826); to the Committee on Foreign Relations.

EC-3804. A communication from the Assistant Secretary, Legislative Affairs, Depart-

ment of State, transmitting, pursuant to law, a report relative to Guantanamo (OSS 2013-1846); to the Committee on Foreign Relations.

EC-3805. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Guantanamo (OSS 2013-1800); to the Committee on Foreign Relations.

EC-3806. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U. S. Agency for International Development (USAID), transmitting, pursuant to law, a report responding to a GAO report entitled “Global Food Security: USAID Is Improving Coordination but Needs to Require Systematic Assessments of Country-Level Risks”; to the Committee on Foreign Relations.

EC-3807. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the elimination of the danger pay allowance for Haiti; to the Committee on Foreign Relations.

EC-3808. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-154); to the Committee on Foreign Relations.

EC-3809. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-159); to the Committee on Foreign Relations.

EC-3810. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-140); to the Committee on Foreign Relations.

EC-3811. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-150); to the Committee on Foreign Relations.

EC-3812. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-151); to the Committee on Foreign Relations.

EC-3813. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-156); to the Committee on Foreign Relations.

EC-3814. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-105); to the Committee on Foreign Relations.

EC-3815. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-172); to the Committee on Foreign Relations.

EC-3816. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-145); to the Committee on Foreign Relations.

EC-3817. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-165); to the Committee on Foreign Relations.

EC-3818. A communication from the Acting Assistant Secretary, Legislative Affairs, De-

partment of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-163); to the Committee on Foreign Relations.

EC-3819. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-146); to the Committee on Foreign Relations.

EC-3820. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 13-128); to the Committee on Foreign Relations.

EC-3821. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 42(g)(2) of the Arms Export Control Act (DDTC 13-177); to the Committee on Foreign Relations.

EC-3822. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013-0195-2013-0199); to the Committee on Foreign Relations.

EC-3823. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration’s annual report on the performance evaluation of FDA-approved mammography quality standards accreditation bodies; to the Committee on Health, Education, Labor, and Pensions.

EC-3824. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled “Annual Report to Congress on Food Facilities, Food Imports, and FDA Foreign Offices Provisions of the FDA Food Safety Modernization Act”; to the Committee on Health, Education, Labor, and Pensions.

EC-3825. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Administration on Aging (AoA) Report to Congress for fiscal year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-3826. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Food Additives Permitted for Direct Addition to Food for Human Consumption; Acacia (Gum Arabic)” (Docket No. FDA-2011-F-0765) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3827. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Turtles Intrastate and Interstate Requirements; Confirmation of Effective Date” (Docket No. FDA-2013-N-0639) received during adjournment of the Senate in the Office of the President of the Senate on November 25, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3828. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Amendments to General Regulations of the Food and Drug Administration” (Docket No. FDA-2010-N-0560) received during adjournment of the Senate in the Office of the President of the Senate on

November 25, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3829. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medical Devices; Ophthalmic Devices; Classification of the Scleral Plug” (Docket No. FDA-2012-N-1238) received during adjournment of the Senate in the Office of the President of the Senate on November 25, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3830. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Listing of Color Additives Exempt From Certification; Spirulina Extract; Confirmation of Effective Date” (Docket No. FDA-2011-C-0878) received during adjournment of the Senate in the Office of the President of the Senate on November 25, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3831. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits” (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3832. A communication from the Acting Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled “Record Requirements in the Mechanical Power Presses Standard” (RIN1218-AC80) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3833. A communication from the Acting Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Labor Certification Process for Logging Employment and Non-H-2A Agricultural Employment” (RIN1205-AB65) received in the Office of the President of the Senate on November 20, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3834. A communication from the Acting Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Removal of Attestation Process for Facilities Using H-1A Registered Nurses” (RIN1205-AB67) received in the Office of the President of the Senate on November 20, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3835. A communication from the Acting Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Attestation Process for Employers Using F-1 Students in Off-Campus Work” (RIN1205-AB66) received in the Office of the President of the Senate on November 20, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3836. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Final Priority; Rehabilitation Training; Rehabilitation Long-Term Training Program—Vocational Rehabilitation

Counseling” (CFDA No. 84.129B) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3837. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Program Integrity Issues” (RIN1840-AD02) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3838. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program” (RIN1840-AD12) received in the Office of the President of the Senate on November 21, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-3839. A communication from the Board Chair and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration’s Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3840. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Corporation for National and Community Service’s Report on Final Action for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3841. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General, the Chairman’s Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3842. A communication from the Administrator of the Agency for International Development (USAID), transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2013, through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3843. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission’s Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3844. A communication from the Chair of the Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General and a Management Report for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3845. A communication from the President, African Development Foundation, transmitting, pursuant to law, the Annual Report of the Inspector General for the period from October 1, 2012 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3846. A communication from the Chief Operating Officer/Acting Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, the Commission’s Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3847. A communication from the Deputy Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3848. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3849. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013 and the Semi-Annual Report of the Treasury Inspector General for Tax Administration (TIGTA); to the Committee on Homeland Security and Governmental Affairs.

EC-3850. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the Office of Inspector General’s Semiannual Report for the period of April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3851. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-221, “Extension of Time to Dispose of the Strand Theater Temporary Amendment Act of 2013”; to the Committee on Homeland Security and Governmental Affairs.

EC-3852. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-219, “Cottage Food Amendment Act of 2013”; to the Committee on Homeland Security and Governmental Affairs.

EC-3853. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-211, “Driver’s Safety Amendment Act of 2013”; to the Committee on Homeland Security and Governmental Affairs.

EC-3854. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-220, “Trauma Technologists Licensure Amendment Act of 2013”; to the Committee on Homeland Security and Governmental Affairs.

EC-3855. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Electronic Retirement Processing” (RIN3206-AM45) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3856. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Technical Amendments” (FAC 2005-71) received during adjournment of the Senate in the Office of the President of the Senate on November 25, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3857. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Small Entity Compliance Guide" (FAC 2005-71) received during adjournment of the Senate in the Office of the President of the Senate on November 25, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3858. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Accelerated Payments to Small Business Subcontractors" (RIN9000-AM37) received during adjournment of the Senate in the Office of the President of the Senate on November 25, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3859. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; New Designated Country—Croatia" (RIN9000-AM66) received during adjournment of the Senate in the Office of the President of the Senate on November 25, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3860. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Introduction" (FAC 2005-71) received during adjournment of the Senate in the Office of the President of the Senate on November 25, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3861. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the Semi-annual Report of the Inspector General for the period from April 1, 2013 through September 30, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3862. A communication from the Archivist of the United States, transmitting, the report of a draft bill entitled "Federal Register Modernization Act" received in the Office of the President of the Senate on November 12, 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-3863. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Tribal Background Investigations and Licensing" (RIN3141-AA15) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Indian Affairs.

EC-3864. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Tribal Background Investigations and Licensing" (RIN3141-A15A) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Indian Affairs.

EC-3865. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Compliance and Enforcement" received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Indian Affairs.

EC-3866. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law,

the report of a rule entitled "Appeal Proceedings Before the Commission" (RIN3141-AA47) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Indian Affairs.

EC-3867. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Minimum Technical Standards for Class II Gaming Systems and Equipment" (RIN3141-AA27) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Indian Affairs.

EC-3868. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Self-Regulation of Class II Gaming" (RIN3141-AA44) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Indian Affairs.

EC-3869. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Fees" (RIN3141-AA40) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Indian Affairs.

EC-3870. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Minimum Internal Control Standards" (RIN3141-AA27) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Indian Affairs.

EC-3871. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Land Acquisitions: Appeals of Land Acquisition Decisions" (RIN1076-AF15) received during adjournment of the Senate in the Office of the President of the Senate on December 3, 2013; to the Committee on Indian Affairs.

EC-3872. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Perampanel into Schedule III" (Docket No. DEA-374) received during adjournment of the Senate in the Office of the President of the Senate on December 5, 2013; to the Committee on the Judiciary.

EC-3873. A communication from the Acting Chief Privacy and Civil Liberties Officer, Office of Privacy and Civil Liberties, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exemption of Records Systems Under the Privacy Act" (CPCLD Order No. 006-2013) received in the Office of the President of the Senate on November 18, 2013; to the Committee on the Judiciary.

EC-3874. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "2012 Annual Report of the National Institute of Justice"; to the Committee on the Judiciary.

EC-3875. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Authorization for Non-VA Medical Services" (RIN2900-

AO46) received during adjournment of the Senate in the Office of the President of the Senate on December 6, 2013; to the Committee on Veterans' Affairs.

EC-3876. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Grants to States for Construction or Acquisition of State Homes" (RIN2900-AO60) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Veterans' Affairs.

EC-3877. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Criteria for a Catastrophically Disabled Determination for Purposes of Enrollment" (RIN2900-AO21) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Veterans' Affairs.

EC-3878. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Specially Adapted Housing Eligibility for Amyotrophic Lateral Sclerosis" (RIN2900-AO84) received during adjournment of the Senate in the Office of the President of the Senate on December 4, 2013; to the Committee on Veterans' Affairs.

EC-3879. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Copayment for Extended Care Services" (RIN2900-AO59) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Veterans' Affairs.

EC-3880. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Advisory Committee; Veterinary Medicine Advisory Committee; Termination" (Docket No. FDA-2013-N-1380) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3881. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting, a report of proposed legislation entitled "A Bill to Provide for the Transfer of Naval Vessels to Certain Foreign Recipients"; to the Committee on Foreign Relations.

EC-3882. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and Changes to National Endorsements" ((RIN1625-AA16) (Docket No. USCG-2004-17914)) received in the Office of the President of the Senate on December 11, 2013; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Paul S. Dwan, to be Major General.

Air Force nominations beginning with Brigadier General Catherine A. Chilton and ending with Brigadier General Tommy J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on October 28, 2013.

Air Force nomination of Col. Josef F. Schmid III, to be Brigadier General.

Air Force nominations beginning with Colonel Talentino C. Angelosante and ending with Colonel Stephen D. Vautrain, which nominations were received by the Senate and appeared in the Congressional Record on November 12, 2013.

Air Force nomination of Col. Stephen E. Rader, to be Brigadier General.

Air Force nomination of Col. Michael T. McGuire, to be Brigadier General.

Air Force nomination of Maj. Gen. John W. Raymond, to be Lieutenant General.

Army nomination of Brigadier General Charles A. Flynn, to be Major General.

Army nomination of Lt. Gen. David G. Perkins, to be General.

Army nominations beginning with Colonel James T. Iacocca and ending with Colonel Kurt L. Sonntag, which nominations were received by the Senate and appeared in the Congressional Record on October 28, 2013.

Army nomination of Col. Anthony L. Hall, to be Brigadier General.

Army nomination of Col. Paul S. Wilson, to be Brigadier General, Judge Advocate General's Corps.

Army nomination of Maj. Gen. Robert S. Ferrell, to be Lieutenant General.

Army nomination of Lt. Gen. Joseph Anderson, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Rebecca J. McCormick-Boyle, to be Rear Admiral.

Navy nomination of Vice Adm. Michelle J. Howard, to be Admiral.

Navy nomination of Adm. Mark E. Ferguson III, to be Admiral.

Navy nomination of Rear Adm. Joseph P. Mulloy, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Stanton J. J. Applonie and ending with Richard J. Zavadil, which nominations were received by the Senate and appeared in the Congressional Record on October 30, 2013.

Air Force nominations beginning with James D. Athnos and ending with Stephen M. Williams, which nominations were received by the Senate and appeared in the Congressional Record on October 30, 2013.

Air Force nominations beginning with Paige T. Abbott and ending with Reno Joseph Zisa, which nominations were received by the Senate and appeared in the Congressional Record on October 30, 2013.

Air Force nominations beginning with Scott A. Haber and ending with Yves P. Leblanc, which nominations were received by the Senate and appeared in the Congressional Record on November 7, 2013.

Army nomination of Jesus M. Munozlasalle, to be Major.

Army nominations beginning with Wayne J. Aaron and ending with Ann H. Zgrodnik, which nominations were received by the Sen-

ate and appeared in the Congressional Record on October 28, 2013.

Army nominations beginning with John R. Doolittle II and ending with Baucum W. Fulk, which nominations were received by the Senate and appeared in the Congressional Record on October 28, 2013.

Army nominations beginning with Steven T. Greiner and ending with Cheryl D. Sofaly, which nominations were received by the Senate and appeared in the Congressional Record on October 30, 2013.

Army nominations beginning with Stanley T. Breuer and ending with Deydre S. Teyhen, which nominations were received by the Senate and appeared in the Congressional Record on October 30, 2013.

Army nominations beginning with Kimberlee A. Aiello and ending with Jeffrey S. Yarvis, which nominations were received by the Senate and appeared in the Congressional Record on October 30, 2013.

Army nominations beginning with Robin M. Adamsmassenburg and ending with Veronica A. Villafranca, which nominations were received by the Senate and appeared in the Congressional Record on October 30, 2013.

Army nominations beginning with David A. Ceniti and ending with Edward M. Reilly, which nominations were received by the Senate and appeared in the Congressional Record on November 19, 2013.

Army nominations beginning with Nacy J. Alouise and ending with D011605, which nominations were received by the Senate and appeared in the Congressional Record on December 12, 2013.

Navy nomination of Corey N. Doolittle, to be Lieutenant Commander.

Navy nominations beginning with Christopher W. Acor and ending with Amanda H. Zawora, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2013.

Navy nomination of Julie A. Meier, to be Commander.

Navy nomination of Krysten J. Pelstring, to be Lieutenant Commander.

Navy nomination of Michael R. Saum, to be Captain.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DONNELLY (for himself and Mr. COBURN):

S. 1828. A bill to amend the Truth in Lending Act to modify the definitions of a mortgage originator and a high-cost mortgage; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINRICH:

S. 1829. A bill to modify the boundaries of Cibola National Forest in the State of New Mexico, to transfer certain Bureau of Land Management land for inclusion in the national forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 1830. A bill to prohibit unfair or deceptive acts or practices relating to the prices of products and services sold online, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MANCHIN:

S. 1831. A bill to establish a national Yellow Dot Program to alert law enforcement and emergency services personnel to the

medical conditions, prescriptions, and other vital information necessary to treat drivers and passengers in motor vehicles in emergency circumstances; to the Committee on Commerce, Science, and Transportation.

By Mr. MARKEY:

S. 1832. A bill for the relief of Esther Karinge; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 322. A resolution to authorize the printing of a collection of the rules of the committees of the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 232

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 232, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 313

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 338

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 338, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 367

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 411

At the request of Mr. ROCKEFELLER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 520

At the request of Mr. BEGICH, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 520, a bill to strengthen Federal consumer protection and product traceability with respect to commercially marketed seafood, and for other purposes.

S. 526

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions, and for other purposes.

S. 559

At the request of Mr. ISAKSON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 559, a bill to establish a fund to make payments to the Americans held hostage in Iran, and to members of their families, who are identified as members of the proposed class in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia, and for other purposes.

S. 820

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 820, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 878

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. MURPHY) was withdrawn as a cosponsor of S. 878, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1064

At the request of Mr. BROWN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1064, a bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 1357

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1357, a bill to extend the trade adjustment assistance program.

S. 1406

At the request of Ms. AYOTTE, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Michigan (Ms. STABENOW) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1406, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1456

At the request of Ms. AYOTTE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1456, a bill to award the Congressional Gold Medal to Shimon Peres.

S. 1510

At the request of Mr. COBURN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 1510, a bill to provide for auditable fi-

nancial statements for the Department of Defense, and for other purposes.

S. 1666

At the request of Mr. RUBIO, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 1666, a bill to amend the Patient Protection and Affordable Care Act to improve the patient navigator program.

S. 1719

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1719, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program, and for other purposes.

S. 1756

At the request of Mr. MORAN, his name was added as a cosponsor of S. 1756, a bill to amend section 403 of the Federal Food, Drug and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines.

S. 1779

At the request of Mr. TOOMEY, the names of the Senator from Texas (Mr. CORNYN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1779, a bill to amend the Safe Drinking Water Act to exempt fire hydrants from the prohibition on the use of lead pipes, fittings, fixtures, solder, and flux.

S. 1797

At the request of Mr. REED, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1797, a bill to provide for the extension of certain unemployment benefits, and for other purposes.

S. 1798

At the request of Mr. WARNER, the names of the Senator from Illinois (Mr. KIRK), the Senator from Colorado (Mr. UDALL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Delaware (Mr. COONS) and the Senator from Indiana (Mr. DONNELLY) were added as cosponsors of S. 1798, a bill to ensure that emergency services volunteers are not counted as full-time employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act.

S. 1802

At the request of Mr. DONNELLY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1802, a bill to provide equal treatment for utility special entities using utility operations-related swaps, and for other purposes.

S. 1808

At the request of Mr. LEE, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of S. 1808, a bill to prevent adverse treatment of any person on the basis of views held with respect to marriage.

S. 1810

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1810, a bill to provide paid family and medical leave benefits to certain individuals, and for other purposes.

S. 1811

At the request of Mr. ALEXANDER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1811, a bill to amend title 49, United States Code, to prohibit voice communications through mobile communication devices on commercial passenger flights.

S. RES. 319

At the request of Mr. MURPHY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. Res. 319, a resolution expressing support for the Ukrainian people in light of President Yanukovich's decision not to sign an Association Agreement with the European Union.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 322—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. SCHUMER submitted the following resolution; which was considered and agreed to.:

S. RES. 322

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 200 additional copies of such document for the use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2557. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table.

SA 2558. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2559. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2560. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2561. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2562. Mr. REED submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table.

SA 2563. Mr. REED submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2564. Mr. REED submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2565. Ms. HIRONO (for herself, Mr. BEGICH, and Mr. SCHATZ) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2566. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table.

SA 2567. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2568. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2569. Mr. ENZI (for himself, Mr. BARASSO, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table.

SA 2570. Mr. ENZI (for himself and Mr. MURPHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2571. Mr. SESSIONS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2572. Mr. SESSIONS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2573. Mr. SESSIONS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2574. Mr. WICKER (for himself, Mr. GRAHAM, Mr. SESSIONS, Mr. INHOFE, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2575. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table.

SA 2576. Ms. AYOTTE (for herself and Mr. WICKER) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table.

SA 2577. Ms. AYOTTE (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2578. Ms. AYOTTE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2579. Mr. LEE (for himself, Mr. PAUL, Mr. CRUZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table.

SA 2580. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2581. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2582. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2583. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2584. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2585. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2586. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2587. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2588. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2589. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2590. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, supra; which was ordered to lie on the table.

SA 2591. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table.

SA 2592. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2593. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2594. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2595. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2596. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2597. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2598. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by

Mr. LEE to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

SA 2599. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2557. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **DISPOSAL OF SURPLUS OR EXCESS TANGIBLE PROPERTY OF THE DEPARTMENT OF DEFENSE SOLELY BY PUBLIC SALE.**

Notwithstanding any other provision of law, surplus or excess tangible property of the Department of Defense shall be disposed of solely by public sale.

SA 2558. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **LIMITATION ON AMOUNTS AVAILABLE IN FISCAL YEAR 2014 FOR TUITION ASSISTANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE TO ADDRESS CRITICAL-NEEDS SHORTAGES FOR MILITARY PERSONNEL.**

Notwithstanding any other provision of this Act, the total amount available in this Act for fiscal year 2014 for tuition assistance programs of the Department of Defense may not exceed \$100,000,000 in order that such assistance be limited to use as a retention tool to address critical-needs shortages for military personnel.

SA 2559. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—AUDIT OF THE DEPARTMENT OF DEFENSE

SEC. ____01. SHORT TITLE.

This title may be cited as the “Audit the Pentagon Act of 2013”.

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) Section 9 of Article I of the Constitution of the United States requires all agencies of the Federal Government, including the Department of Defense, to publish “a regular statement and account of the receipts and expenditures of all public money”.

(2) Section 3515 of title 31, United States Code, requires the agencies of the Federal Government, including the Department of Defense, to present auditable financial statements beginning not later than March 1, 1997. The Department has not complied with this law.

(3) The Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) requires financial systems acquired by the Federal Government, including the Department of Defense, to be able to provide information to leaders to manage and control the cost of Government. The Department has not complied with this law.

(4) The financial management of the Department of Defense has been on the “High-Risk” list of the Government Accountability Office, which means that the Department is not consistently able to “control costs; ensure basic accountability; anticipate future costs and claims on the budget; measure performance; maintain funds control; [and] prevent and detect fraud, waste, and abuse”.

(5) The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107) requires the Secretary of Defense to report to Congress annually on the reliability of the financial statements of the Department of Defense, to minimize resources spent on producing unreliable financial statements, and to use resources saved to improve financial management policies, procedures, and internal controls.

(6) In 2005, the Department of Defense created a Financial Improvement and Audit Readiness (FIAR) Plan, overseen by a directorate within the office of the Under Secretary of Defense (Comptroller), to improve Department business processes with the goal of producing timely, reliable, and accurate financial information that could generate an audit-ready annual financial statement. In December 2005, that directorate, known as the FIAR Directorate, issued the first of a series of semiannual reports on the status of the Financial Improvement and Audit Readiness Plan.

(7) The National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) requires regular status reports on the Financial Improvement and Audit Readiness Plan described in paragraph (6), and codified as a statutory requirement the goal of the Plan in ensuring that Department of Defense financial statements are validated as ready for audit not later than September 30, 2017. In addition, the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) requires that the statement of budgetary resources of the Department of Defense be validated as ready for audit by not later than September 30, 2014.

(8) At a September 2010 hearing of the Senate, the Government Accountability Office stated that past expenditures by the Department of Defense of \$5,800,000,000 to improve financial information, and billions of dollars more of anticipated expenditures on new information technology systems for that purpose, may not suffice to achieve full audit readiness of the financial statement of the Department. At that hearing, the Government Accountability Office could not predict when the Department would achieve full audit readiness of such statements.

(9) At a 2013 hearing of the Senate, Secretary of Defense Chuck Hagel affirmed his commitment to audit-ready budget statements for the Department of Defense by the

end of 2014, and stated that he “will do everything he can to fulfill this commitment”. At that hearing, Secretary Hagel noted that auditable financial statements were essential to the Department not only for improving the quality of its financial information, but also for reassuring the public and Congress that it is a good steward of public funds.

SEC. 03. CESSATION OF APPLICABILITY OF REPORTING REQUIREMENTS REGARDING THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.**(a) CESSATION OF APPLICABILITY.—**

(1) **MILITARY DEPARTMENTS.**—The financial statements of a military department shall cease to be covered by the reporting requirements specified in subsection (b) upon the issuance of an unqualified audit opinion on such financial statements.

(2) **DEPARTMENT OF DEFENSE.**—The reporting requirements specified in subsection (b) shall cease to be effective when an unqualified audit opinion is issued on the financial statements of the Department of Defense, including each of the military departments and the other reporting entities defined by the Office of Management and Budget.

(b) **REPORTING REQUIREMENTS.**—The reporting requirements specified in this subsection are the following:

(1) The requirement for annual reports in section 892(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4311; 10 U.S.C. 2306a note).

(2) The requirement for semi-annual reports in section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note).

(3) The requirement for annual reports in section 817(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2306a note).

(4) The requirement for annual reports in section 1008(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1204; 10 U.S.C. 113 note).

(5) The requirement for periodic reports in section 908(b) of the Defense Acquisition Improvement Act of 1986 (Public Law 99-500; 100 Stat. 1783-140; 10 U.S.C. 2326 note) and duplicate requirements as provided for in section 6 of the Defense Technical Corrections Act of 1987 (Public Law 100-26; 101 Stat. 274; 10 U.S.C. 2302 note).

SEC. 04. ENHANCED REPROGRAMMING AUTHORITY FOLLOWING ACHIEVEMENT BY DEPARTMENT OF DEFENSE AND MILITARY DEPARTMENTS OF AUDIT WITH UNQUALIFIED OPINION OF STATEMENT OF BUDGETARY RESOURCES FOR FISCAL YEARS AFTER FISCAL YEAR 2014.

(a) **DEPARTMENT OF DEFENSE GENERALLY.**—Subject to section 06(1), if the Department of Defense obtains an audit with an unqualified opinion on its statement of budgetary resources for any fiscal year after fiscal year 2014, the limitation on the total amount of authorizations that the Secretary of Defense may transfer pursuant to general transfer authority available to the Secretary in the national interest in the succeeding fiscal year shall be \$8,000,000,000.

(b) **MILITARY DEPARTMENTS, DEFENSE AGENCIES, AND DEFENSE FIELD ACTIVITIES.**—Subject to section 07(a), if a military department, Defense Agency, or defense field activity obtains an audit with an unqualified opinion on its statement of budgetary resources for any fiscal year after fiscal year 2014, the thresholds for reprogramming of funds of such military department, Defense Agency, or defense field activity, as the case may be, without prior notice to Congress for

the succeeding fiscal year shall be deemed to be the thresholds as follows:

(1) In the case of an increase or decrease to the program base amount for a procurement program, \$60,000,000.

(2) In the case of an increase or decrease to the program base amount for a research program, \$30,000,000.

(3) In the case of an increase or decrease to the amount for a budget activity for operation and maintenance, \$45,000,000.

(4) In the case of an increase or decrease to the amount for a budget activity for military personnel, \$30,000,000.

(c) **CONSTRUCTION.**—Nothing in this section shall be construed to alter or revise any requirement (other than a threshold amount) for notice to Congress on transfers covered by subsection (a) or reprogrammings covered by subsection (b) under any other provision of law.

(d) **DEFINITIONS.**—In this section, the terms “program base amount”, “procurement program”, “research program”, and “budget activity” have the meanings given such terms in chapter 6 of volume 3 of the Financial Management Regulation of the Department of Defense (DoD 7000.14R), dated March 2011, or any successor document.

SEC. 05. FAILURE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2015 GENERAL FUND STATEMENT OF BUDGETARY RESOURCES OF THE DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—If the Department of Defense fails to obtain an audit with an unqualified opinion on its general fund statement of budgetary resources for fiscal year 2015 by December 31, 2015, the following shall take effect on January 1, 2016:

(1) **ADDITIONAL QUALIFICATIONS AND DUTIES OF USD (COMPTROLLER).**—

(A) **QUALIFICATIONS.**—Any individual nominated for appointment to the position of Under Secretary of Defense (Comptroller) under section 135 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency’s financial statements during the time of such individual’s service; or

(ii) as the chief financial officer or equivalent position of a public company that has received an audit with an unqualified opinion on such company’s financial statements during the time of such individual’s service.

(B) **DUTIES AND POWERS.**—The duties and powers of the individual serving as Under Secretary of Defense (Comptroller) shall include, in addition to the duties and powers specified in section 135(c) of title 10, United States Code, such duties and powers with respect to the financial management of the Department of Defense as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(2) **ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASA FOR FINANCIAL MANAGEMENT.**—

(A) **QUALIFICATIONS.**—Any individual nominated for appointment to the position of Assistant Secretary of the Army for Financial Management under section 3016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency’s financial statements during the time of such individual’s service; or

(ii) as the chief financial officer or equivalent position of a public company that has

received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Army for Financial Management shall include, in addition to the responsibilities specified in section 3016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(3) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASN FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Navy for Financial Management under section 5016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer or equivalent position of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Navy for Financial Management shall include, in addition to the responsibilities specified in section 5016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(4) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASAF FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Air Force for Financial Management under section 8016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer or equivalent position of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer or equivalent position of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Air Force for Financial Management shall include, in addition to the responsibilities specified in section 8016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(b) PUBLIC COMPANY DEFINED.—In this section, the term “public company” has the meaning given the term “issuer” in section 2(a)(7) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)(7)).

SEC. 406. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2018 FINANCIAL STATEMENTS.

If the Department of Defense fails to obtain an audit with an unqualified opinion on its general fund statement of budgetary resources for fiscal year 2018 by December 31, 2018:

(1) PERMANENT CESSATION OF ENHANCED GENERAL TRANSFER AUTHORITY.—Effective as of January 1, 2019, the authority in section 404(a) shall cease to be available to the Department of Defense for fiscal year 2018 and any fiscal year thereafter.

(2) REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.—Effective as of April 1, 2019:

(A) POSITION OF CHIEF MANAGEMENT OFFICER.—Section 132a of title 10, United States Code, is amended to read as follows:

“§ 132a. Chief Management Officer

“(a) IN GENERAL.—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results.

“(b) POWERS AND DUTIES.—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) SERVICE AS CHIEF MANAGEMENT OFFICER.—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

“(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

“(A) The expenditure of funds, accounting, and finance.

“(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

“(C) Facilities, property, nonmilitary equipment, and other resources.

“(D) Strategic planning, annual performance planning, and identification and tracking of performance measures.

“(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

“(F) Such other areas or matters as the Secretary of Defense may designate.

“(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

“(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”.

(B) CONFORMING AMENDMENTS.—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Chief Management Officer of the Department of Defense.”.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”.

(iv) Such title is further amended by inserting “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense,” each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(vi) Section 138(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows through the period and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.”.

(C) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

“132a. Chief Management Officer.”.

(D) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Management Officer of the Department of Defense.”.

(E) REFERENCE IN LAW.—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(3) JURISDICTION OF DFAS.—Effective as of April 1, 2019:

(A) TRANSFER TO DEPARTMENT OF THE TREASURY.—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) ADMINISTRATION.—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of the Treasury.

(C) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

SEC. 7. FAILURE OF THE MILITARY DEPARTMENTS TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FINANCIAL STATEMENTS FOR FISCAL YEARS AFTER FISCAL YEAR 2017.

(a) **PERMANENT CESSATION OF AUTHORITIES ON REPROGRAMMING OF FUNDS.**—If a military department fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2018 by December 31, 2018, effective as of January 1, 2019, the authorities in section 404(b) shall cease to be available to the military department for fiscal year 2018 and any fiscal year thereafter.

(b) **ANNUAL PROHIBITION ON EXPENDITURE OF FUNDS FOR CERTAIN MDAPs PAST MILESTONE B IN CONNECTION WITH FAILURE.**—

(1) **PROHIBITION.**—Effective for fiscal years after fiscal year 2017, if a military department fails to obtain an audit with an unqualified opinion on its financial statements for any fiscal year, effective as of the date of the issuance of the opinion on such audit, amounts available to the military department for the following fiscal year may not be obligated by the military department for a weapon or weapon system or platform being acquired as a major defense acquisition program for any activity beyond Milestone B approval unless such program has already achieved Milestone B approval of the date of the issuance of the opinion on such audit.

(2) **DEFINITIONS.**—In this subsection:

(A) The term “major defense acquisition program” has the meaning given that term in section 2430 of title 10, United States Code.

(B) The term “Milestone B approval” has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

SEC. 8. ENTERPRISE RESOURCE PLANNING.

The Secretary of Defense shall amend the acquisition guidance of the Department of Defense to provide for the following:

(1) The Defense Business System Management Committee may not approve procurement of any Enterprise Resource Planning (ERP) business system that is independently estimated to take longer than three years to procure from initial obligation of funds to full deployment and sustainment.

(2) Any contract for the acquisition of an Enterprise Resource Planning business system shall include a provision authorizing termination of the contract at no cost to the Government if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(3) Any implementation of an Enterprise Resource Planning system shall comply with each of the following:

(A) The current Business Enterprise Architecture established by the Chief Management Officer of the Department of Defense.

(B) The provisions of section 2222 of title 10, United States Code.

(4) The Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) shall have the authority to replace any program manager (whether in a military department or a Defense Agency) for the procurement of an Enterprise Resource Planning business system if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(5) Any integrator contract for the implementation of an Enterprise Resource Planning business system shall only be awarded to companies that have a history of successful implementation of other Enterprise Resource Planning business systems for the Federal Government (whether with the Department of Defense or another department or agency of the Federal Government), including meeting cost and schedule goals.

SA 2560. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . USE OF FUNDS AVAILABLE FOR THE DEPARTMENT OF DEFENSE ONLY FOR DEFENSE-RELATED PURPOSES.

(a) **ELIMINATION OF NON-DEFENSE SPENDING.**—Amounts authorized to be appropriated by this Act may not be used for a program, project, or activity if the Secretary of Defense determines that the such program, project, or activity does not serve a defense-related purpose.

(b) **TRANSFER OF DUPLICATIVE PROGRAMS.**—In the event the Secretary of Defense determines that a program, project, or activity of the Department of Defense duplicates, in whole or in part, a program, project, or activity of another department or agency of the Federal Government, the Secretary shall transfer to the head of such department or agency jurisdiction any part of such program, project, or activity that is so duplicative.

(c) **COORDINATION ON NON-DEFENSE-SPECIFIC RESEARCH.**—In the event the Secretary of Defense determines that a program, project, or activity of the Department of Defense involves research or development that will benefit another department or agency of the Federal Government, the Secretary shall coordinate with the head of such department or agency and the Director of the Office of Management and Budget on such research and development in order to ensure that such research and development is conducted in a manner which provides maximum benefit to both the Department and such department or agency.

SA 2561. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF EACH FISCAL YEAR.

Not later March 1 each year, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of the previous fiscal year by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of the previous fiscal year by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of the previous fiscal year by account.

SA 2562. Mr. REED submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE III—UNEMPLOYMENT PROVISIONS

SEC. 1301. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) **EXTENSION.**—Section 4007(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “January 1, 2014” and inserting “January 1, 2015”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) in subparagraph (J), by inserting “and” at the end; and

(3) by inserting after subparagraph (J) the following:

“(K) the amendments made by section 1301(a) of the Pathway for SGR Reform Act of 2013;”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

SEC. 1302. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) **IN GENERAL.**—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note), is amended—

(1) by striking “December 31, 2013” each place it appears and inserting “December 31, 2014”; and

(2) in subsection (c), by striking “June 30, 2014” and inserting “June 30, 2015”.

(b) **EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.**—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “June 30, 2014” and inserting “June 30, 2015”.

(c) **EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.**—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking “December 31, 2013” and inserting “December 31, 2014”; and

(2) in subsection (f)(2), by striking “December 31, 2013” and inserting “December 31, 2014”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

SEC. 1303. EXTENSION OF FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) **IN GENERAL.**—Section 4004(c)(2)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “through fiscal year 2014” and inserting “through fiscal year 2015”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the American

Taxpayer Relief Act of 2012 (Public Law 112-240).

SEC. 1304. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii)) is amended—

(1) by striking “June 30, 2013” and inserting “June 30, 2014”; and

(2) by striking “December 31, 2013” and inserting “December 31, 2014”.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

(c) **FUNDING FOR ADMINISTRATION.**—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$250,000 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

SEC. 1305. FLEXIBILITY FOR UNEMPLOYMENT PROGRAM AGREEMENTS.

(a) **FLEXIBILITY.**—

(1) **IN GENERAL.**—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before December 1, 2013, that, upon taking effect, would violate such subsection.

(2) **EFFECTIVE DATE.**—Paragraph (1) is effective with respect to weeks of unemployment beginning on or after December 29, 2013.

(b) **PERMITTING A SUBSEQUENT AGREEMENT.**—Nothing in such title IV shall preclude a State whose agreement under such title was terminated from entering into a subsequent agreement under such title on or after the date of the enactment of this Act if the State, taking into account the application of subsection (a), would otherwise meet the requirements for an agreement under such title.

SA 2563. Mr. REED submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE III—UNEMPLOYMENT PROVISIONS

SEC. 1301. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) **EXTENSION.**—Section 4007(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “January 1, 2014” and inserting “April 1, 2014”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) in subparagraph (J), by inserting “and” at the end; and

(3) by inserting after subparagraph (J) the following:

“(K) the amendments made by section 1301(a) of the Pathway for SGR Reform Act of 2013;”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

SEC. 1302. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) **IN GENERAL.**—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note), is amended—

(1) by striking “December 31, 2013” each place it appears and inserting “March 31, 2014”; and

(2) in subsection (c), by striking “June 30, 2014” and inserting “September 30, 2014”.

(b) **EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.**—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “June 30, 2014” and inserting “September 30, 2014”.

(c) **EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.**—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking “December 31, 2013” and inserting “March 31, 2014”; and

(2) in subsection (f)(2), by striking “December 31, 2013” and inserting “March 31, 2014”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

SEC. 1303. EXTENSION OF FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) **IN GENERAL.**—Section 4004(c)(2)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “through fiscal year 2014” and inserting “through the first quarter of fiscal year 2015”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

SEC. 1304. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii)) is amended—

(1) by striking “June 30, 2013” and inserting “September 30, 2013”; and

(2) by striking “December 31, 2013” and inserting “March 31, 2014”.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

(c) **FUNDING FOR ADMINISTRATION.**—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$62,500 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

SEC. 1305. FLEXIBILITY FOR UNEMPLOYMENT PROGRAM AGREEMENTS.

(a) **FLEXIBILITY.**—

(1) **IN GENERAL.**—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before December 1, 2013, that, upon taking effect, would violate such subsection.

(2) **EFFECTIVE DATE.**—Paragraph (1) is effective with respect to weeks of unemployment beginning on or after December 29, 2013.

(b) **PERMITTING A SUBSEQUENT AGREEMENT.**—Nothing in such title IV shall preclude a State whose agreement under such title was terminated from entering into a subsequent agreement under such title on or after the date of the enactment of this Act if the State, taking into account the application of subsection (a), would otherwise meet the requirements for an agreement under such title.

SA 2564. Mr. REED submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE III—UNEMPLOYMENT PROVISIONS

SEC. 1301. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) **EXTENSION.**—Section 4007(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “January 1, 2014” and inserting “February 4, 2014”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) in subparagraph (J), by inserting “and” at the end; and

(3) by inserting after subparagraph (J) the following:

“(K) the amendments made by section 1301(a) of the Pathway for SGR Reform Act of 2013;”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

SEC. 1302. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) **IN GENERAL.**—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note), is amended—

(1) by striking “December 31, 2013” each place it appears and inserting “February 4, 2014”; and

(2) in subsection (c), by striking “June 30, 2014” and inserting “July 31, 2014”.

(b) **EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.**—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “June 30, 2014” and inserting “July 31, 2014”.

(c) **EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.**—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking “December 31, 2013” and inserting “February 4, 2014”; and

(2) in subsection (f)(2), by striking “December 31, 2013” and inserting “February 4, 2014”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

SEC. 1303. EXTENSION OF FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) **IN GENERAL.**—Section 4004(c)(2)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “through fiscal year 2014” and inserting “through the first month of fiscal year 2015”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the American Taxpayer Relief Act of 2012 (Public Law 112-240).

SEC. 1304. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii)) is amended—

(1) by striking “June 30, 2013” and inserting “July 31, 2013”; and

(2) by striking “December 31, 2013” and inserting “February 4, 2014”.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

(c) **FUNDING FOR ADMINISTRATION.**—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$21,000 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

SEC. 1305. FLEXIBILITY FOR UNEMPLOYMENT PROGRAM AGREEMENTS.

(a) **FLEXIBILITY.**—

(1) **IN GENERAL.**—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) shall not apply with respect to a State that has enacted a law before December 1, 2013, that, upon taking effect, would violate such subsection.

(2) **EFFECTIVE DATE.**—Paragraph (1) is effective with respect to weeks of unemployment beginning on or after December 29, 2013.

(b) **PERMITTING A SUBSEQUENT AGREEMENT.**—Nothing in such title IV shall preclude a State whose agreement under such title was terminated from entering into a subsequent agreement under such title on or after the date of the enactment of this Act if the State, taking into account the application of subsection (a), would otherwise meet the requirements for an agreement under such title.

SA 2565. Ms. HIRONO (for herself, Mr. BEGICH, and Mr. SCHATZ) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, strike lines 16 through 19, and insert the following:

“(c) **LIMITATION ON FEE.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), fees imposed under subsection (a)(1) shall be \$5.60 per one-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.

“(2) **EXCEPTIONS.**—Fees imposed under subsection (a)(1) may not exceed \$2.50 per enplanement, and the total amount of such fees may not exceed \$5.00 per one-way trip, for passengers—

“(A) boarding to an eligible place under subchapter II of chapter 417 for which essential air service compensation is paid under that subchapter;

“(B) on flights, including flight segments, between 2 or more points in Hawaii; or

“(C) in Alaska aboard an aircraft having seat capacity of less than 60 passengers.”.

SA 2566. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON EMPLOYMENT BY THE DEPARTMENT OF DEFENSE OF INDIVIDUALS AND CONTRACTORS WITH SERIOUSLY DELINQUENT TAX DEBTS.

(a) **PROHIBITION.**—An individual or contractor with a seriously delinquent tax debt may not be appointed to, or continue serving in, a position within or funded by the Department of Defense.

(b) **SERIOUSLY DELINQUENT TAX DEBT DEFINED.**—In this section, the term “seriously delinquent tax debt” means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

(2) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending.

SA 2567. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CONSOLIDATION OF DUPLICATIVE AND OVERLAPPING AGENCIES, PROGRAMS, AND ACTIVITIES OF THE FEDERAL GOVERNMENT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the heads

of other departments and agencies of the Federal Government—

(1) use available administrative authority to eliminate, consolidate, or streamline Government agencies, programs, and activities with duplicative and overlapping missions as identified in Government Accountability Office reports on duplication and overlap in Government programs;

(2) identify and submit to Congress a report setting the legislative action required to further eliminate, consolidate, or streamline Government agencies, programs, and activities with duplicative and overlapping missions as identified in the reports referred to in paragraph (1); and

(3) determine the total cost savings that—

(A) will accrue to each department, agency, and office effected by an action under paragraph (1) as a result of the actions taken under that paragraph; and

(B) could accrue to each department, agency, and office effected by an action under paragraph (2) as a result of the actions proposed to be taken under that paragraph using the legislative authority set forth under that paragraph.

SA 2568. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENSE OF CONGRESS ON SMALL ARMS AND AMMUNITION USED BY UNITED STATES ARMED FORCES.

It is the sense of Congress that the small arms and ammunition used by the United States Armed Forces should be superior to the small arms and ammunition used by potential threat nations, foreign allied militaries, and United States domestic law enforcement.

SA 2569. Mr. ENZI (for himself, Mr. BARRASSO, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 302 of division A.

SA 2570. Mr. ENZI (for himself and Mr. MURPHY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1 ____ . CLARIFICATION.

Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) does not apply with respect to the funding of—

(1) the standard setting body designated pursuant to section 19(b) of the Securities Act of 1933 (15 U.S.C. 77s(b));

(2) the Securities Investor Protection Corporation; or

(3) the Public Company Accounting Oversight Board.

SA 2571. Mr. SESSIONS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 403 of division I and insert the following:

SEC. 403. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (d) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) IDENTIFICATION REQUIREMENT WITH RESPECT TO TAXPAYER.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer’s Social Security number on the return of tax for such taxable year.

“(B) JOINT RETURNS.—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.

“(C) LIMITATION.—Subparagraph (A) shall not apply to the extent the tentative minimum tax (as defined in section 55(b)(1)(A)) exceeds the credit allowed under section 32.”.

(b) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (I) of section 6213(g)(2) of such Code is amended to read as follows:

“(I) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return.”.

(c) CONFORMING AMENDMENT.—Subsection (e) of section 24 of such Code is amended by inserting “WITH RESPECT TO QUALIFYING CHILDREN” after “IDENTIFICATION REQUIREMENT” in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2572. Mr. SESSIONS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 403.

SA 2573. Mr. SESSIONS submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, strike line 10 and all that follows through page 18, line 11 and insert the following:

(c) EXPIRATION.—Subsection (a)(2) shall

SA 2574. Mr. WICKER (for himself, Mr. GRAHAM, Mr. SESSIONS, Mr. INHOFE, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 403.

SA 2575. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

On page 559, beginning on line 7, strike “The Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives” and insert the following: “The Secretary of Defense shall notify the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives”.

On page 563, line 11, insert “, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives” after “congressional defense committees”.

On page 564, line 9, insert “, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives” after “congressional defense committees”.

On page 572, lines 17 and 18, strike “The Secretary of Defense shall, in coordination with the Secretary of State” and insert “The Secretary of State shall, in coordination with the Secretary of Defense”.

On page 629, strike lines 10 through 17 and insert the following:

(a) AUTHORITY.—Notwithstanding section 544(c)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c(c)(1)), for fiscal years 2014 through 2016, the President is authorized to enter into cooperative arrangements providing for the participation of foreign and United States military and civilian defense personnel for integrated air and missile defense programs in Southwest Asia without charge to participating countries and, notwithstanding section 632(d) of such Act (22 U.S.C. 2392(d)), without charge to the fund available to carry out chapter II of part II of the Foreign Assistance Act (22 U.S.C. 2311 et seq.).

(b) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter until a final summary report is submitted after the end of fiscal year 2016, the President shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the implementation of the authority provided under subsection (a), including a description of the numbers of such participating foreign personnel, the cost of such non-reimbursable arrangements, and prospects for equitable contributions from such countries in the future.

On page 639, line 7, insert “the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives” before “of the Secretary’s”.

Strike section 1247.

On page 641, line 19, strike “of Defense” and insert “of State”.

Strike section 1249.

SA 2576. Ms. AYOTTE (for herself and Mr. WICKER) submitted an amendment intended to be proposed by her to the

joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

In division A, strike section 403 and insert the following:

SEC. 403. STANDARD UTILITY ALLOWANCES BASED ON THE RECEIPT OF ENERGY ASSISTANCE PAYMENTS.

(a) STANDARD UTILITY ALLOWANCE.—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in subsection (e)(6)(C), by striking clause (iv); and

(2) in subsection (k), by striking paragraph (4) and inserting the following:

“(4) THIRD PARTY ENERGY ASSISTANCE PAYMENTS.—For purposes of subsection (d)(1), a payment made under a State law (other than a law referred to in paragraph (2)(G)) to provide energy assistance to a household shall be considered money payable directly to the household.”.

(b) CONFORMING AMENDMENTS.—Section 2605(f)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “and for purposes of determining any excess shelter expense deduction under section 5(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e))”; and

(2) in subparagraph (A), by inserting before the semicolon at the end the following: “, except that such payments or allowances shall not be considered to be expended for purposes of determining any excess shelter expense deduction under section 5(e)(6) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6))”.

SA 2577. Ms. AYOTTE (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 403 of division A and insert the following:

SEC. 403. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (d) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) IDENTIFICATION REQUIREMENT WITH RESPECT TO TAXPAYER.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer’s Social Security number on the return of tax for such taxable year.

“(B) JOINT RETURNS.—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.

“(C) LIMITATION.—Subparagraph (A) shall not apply to the extent the tentative minimum tax (as defined in section 55(b)(1)(A)) exceeds the credit allowed under section 32.”.

(b) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (I) of section 6213(g)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return.”.

(c) CONFORMING AMENDMENT.—Subsection (e) of section 24 of the Internal Revenue Code

of 1986 is amended by inserting "WITH RESPECT TO QUALIFYING CHILDREN" after "IDENTIFICATION REQUIREMENT" in the heading thereof.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2578. Ms. AYOTTE submitted an amendment intended to be proposed by her to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 7, strike "338."

SA 2579. Mr. LEE (for himself, Mr. PAUL, Mr. CRUZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

"(a) No citizen shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an act of Congress that expressly authorizes such detention.";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

"(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

"(3) This section shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States."

SA 2580. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NATIONAL GUARD COUNTERDRUG PROGRAM.

(a) **ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**—The amount authorized to be appropriated for fiscal year 2014 by section 1404 and available for Drug Interdiction and Counter-Drug Activities, Defense-wide for the National Guard Counterdrug Program as specified in the funding table in section 4501 is hereby increased by \$130,000,000, with not less than \$27,400,000 to be available for activities at the National Guard counter-drug training centers.

(b) **USE OF AMOUNTS.**—

(1) **UNIFORM ALLOCATION.**—The amount available under subsection (a) shall be allocated evenly among the National Guard counter-drug training centers.

(2) **TRAINING OF LAW ENFORCEMENT OFFICERS.**—Not less than an amount equal to 50 percent of the amount available under subsection (a) shall be used for training of State and local law enforcement officers at the National Guard counter-drug training centers, including subsistence for officers undergoing such training.

(3) **CIVILIAN EXPERTS.**—The amount available under subsection (a) may be used for the costs of civilian experts in the provision of training by the National Guard counter-drug training centers.

(4) **USE OF EXCHANGE STORES.**—Any law enforcement officer undergoing training described in paragraph (2), and any civilian support staff and experts engaged in the provision of such training, may use the exchange store of the counter-drug training center concerned in the same manner as members of the National Guard may use such exchange store.

(c) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2014 by section 301 and available for Operation and Maintenance, Defense-wide as specified in the funding table in section 4301 is hereby reduced by \$130,000,000, with the amount of the reduction to be applied to amounts otherwise available for civilian employees of the Department of Defense.

SA 2581. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the end add the following:

Strike section 4 and all that follows and insert the following:

SEC. 4. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2013" and inserting "December 31, 2014":

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 5. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) **TITLE 10 AUTHORITIES.**—The following sections of title 10, United States Code, are amended by striking "December 31, 2013" and inserting "December 31, 2014":

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) **TITLE 37 AUTHORITIES.**—The following sections of title 37, United States Code, are amended by striking "December 31, 2013" and inserting "December 31, 2014":

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 6. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2013" and inserting "December 31, 2014":

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 7. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37, CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2013" and inserting "December 31, 2014":

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 8. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2013” and inserting “December 31, 2014”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 9. ONE-YEAR EXTENSION OF AUTHORITY TO PROVIDE INCENTIVE PAY FOR MEMBERS OF PRECOMMISSIONING PROGRAMS PURSUING FOREIGN LANGUAGE PROFICIENCY.

Section 316a(g) of title 37, United States Code is amended by striking “December 31, 2013” and inserting “December 31, 2014”.

SA 2582. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the end, add the following:

Strike section 4 and all that follows and insert the following:

SEC. 4. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2013” and inserting “December 31, 2014”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 5. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) **TITLE 10 AUTHORITIES.**—The following sections of title 10, United States Code, are amended by striking “December 31, 2013” and inserting “December 31, 2014”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) **TITLE 37 AUTHORITIES.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2013” and inserting “December 31, 2014”:

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 6. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2013” and inserting “December 31, 2014”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 7. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37, CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2013” and inserting “December 31, 2014”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 8. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2013” and inserting “December 31, 2014”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 9. ONE-YEAR EXTENSION OF AUTHORITY TO PROVIDE INCENTIVE PAY FOR MEMBERS OF PRECOMMISSIONING PROGRAMS PURSUING FOREIGN LANGUAGE PROFICIENCY.

Section 316a(g) of title 37, United States Code is amended by striking “December 31, 2013” and inserting “December 31, 2014”.

SEC. 10. EXTENSION OF AUTHORITY OF SECRETARY OF TRANSPORTATION TO ISSUE NONPREMIUM AVIATION INSURANCE.

Section 44310 of title 49, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “The authority”;

(2) by striking “this chapter” and inserting “any provision of this chapter other than section 44305”; and

(3) by adding at the end the following new subsection:

“(b) **INSURANCE OF UNITED STATES GOVERNMENT PROPERTY.**—The authority of the Secretary of Transportation to provide insurance and reinsurance for a department, agency, or instrumentality of the United States Government under section 44305 is not effective after December 31, 2018.”.

SEC. 11. ONE-YEAR EXTENSION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

Section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392), as most recently amended by section 1218 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1990), is further amended—

(1) in subsection (a)—

(A) by striking “\$35,000,000” and inserting “\$25,000,000”; and

(B) by striking “for fiscal year 2013” and inserting “for fiscal year 2014”; and

(2) in subsection (e), by striking “December 31, 2013” and inserting “December 31, 2014”.

SEC. 12. TECHNICAL AND STANDARDIZING AMENDMENTS TO DEPARTMENT OF DEFENSE TRAVEL AND TRANSPORTATION AUTHORITIES IN CONNECTION WITH REFORM OF SUCH AUTHORITIES.

(a) **ESCORTS OF DEPENDENTS OF MEMBERS.**—

(1) **INCORPORATION OF ESCORTS OF DEPENDENTS UNDER GENERAL AUTHORITY.**—Section 451(a)(2)(C) of title 37, United States Code, is amended by inserting before the period the following: “or as an escort or attendant for dependents of a member for necessary travel performed not later than one year after the member is unable to accompany the dependents who are incapable of traveling alone”.

(2) **REPEAL OF SUPERSEDED AUTHORITY.**—(A) Section 1036 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1036.

(b) **TRAVEL AND TRANSPORTATION OF DEPENDENT PATIENTS.**—Section 1040 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking “round-trip transportation” and all that follows through “may be paid at the expense of the United States” and inserting “travel and transportation allowances may be furnished to necessary attendants. The dependents and any attendants shall be furnished such travel and transportation allowances as specified in regulations prescribed under section 464 of title 37.”; and

(2) by striking subsection (d).

(c) TRAVEL IN CONNECTION WITH LEAVE CANCELLED DUE TO CONTINGENCY OPERATIONS.—

(1) INCORPORATION OF EXPENSES UNDER GENERAL AUTHORITY.—Section 453 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(g) REIMBURSEMENT FOR TRAVEL IN CONNECTION WITH LEAVE CANCELLED DUE TO CONTINGENCY OPERATIONS.—A member may be reimbursed as specified in regulations prescribed under section 464 of this title for travel and related expenses incurred by the member as a result of the cancellation of previously approved leave when the leave is cancelled in conjunction with the member’s participation in a contingency operation and the cancellation occurs within 48 hours of the time the leave would have commenced. The settlement for reimbursement under this subsection is final and conclusive.”.

(2) REPEAL OF SUPERSEDED AUTHORITY.—(A) Section 1053a of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1053a.

(d) TRAVEL AND TRANSPORTATION FOR TRAVEL FOR SPECIALTY HEALTH CARE.—Section 1074i of title 10, United States Code, is amended—

(1) in subsection (a), by striking “reimbursement for reasonable travel expenses” and inserting “travel and transportation allowances as specified in regulations prescribed under section 464 of title 37”; and

(2) in subsection (b), by striking “REIMBURSEMENT FOR TRAVEL UNDER EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Defense may provide reimbursement for reasonable travel expenses of” and inserting “ALLOWABLE TRAVEL AND TRANSPORTATION UNDER EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Defense may provide travel and transportation allowances as specified in the regulations referred to in subsection (a) for”.

(e) TRAVEL AND TRANSPORTATION IN CONNECTION WITH THE DISPOSITION OF REMAINS OF MEMBERS.—Section 1482(a)(8) of title 10, United States Code, is amended by striking “and roundtrip transportation and prescribed allowances” and inserting “and travel and transportation allowances as specified in regulations prescribed under section 464 of title 37”.

(f) TRAVEL AND TRANSPORTATION IN CONNECTION WITH FUNERAL HONORS FUNCTIONS AT FUNERALS FOR VETERANS.—Section 1491(d)(1) of title 10, United States Code, is amended by striking “transportation (or reimbursement for transportation) and expenses” and inserting “travel and transportation allowances as specified in regulations prescribed under section 464 of title 37”.

(g) REPEAL OF REDUNDANT AUTHORITY ON MOTOR VEHICLE TRANSPORTATION OR STORAGE FOR MEMBERS UNDERGOING PCS OR EXTENDED DEPLOYMENT.—

(1) REPEAL.—Section 2634 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 157 of such title is amended by striking the item relating to section 2634.

(h) CLARIFICATION OF LIMITATION ON TRANSPORTATION OF HOUSEHOLD GOODS.—Section 453(c)(3) of title 37, United States Code, is

amended by striking “(including packing, crating, and household goods in temporary storage)” and inserting “(including household goods in temporary storage, but excluding packing and crating)”.

SEC. 13. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2014, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended by section 1101 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1973), is further amended by striking “through 2013” and inserting “through 2014”.

SEC. 14. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2013” and inserting “December 31, 2014”.

Amend the title so as to read: “An Act to reauthorize certain expiring provisions related to military activity, and for other purposes.”.

SA 2583. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the end, add the following:

At the end of subtitle B of title XII, add the following:

SEC. 1220. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) is repealed effective on the date of the enactment of this Act or January 1, 2014, whichever occurs later.

SA 2584. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ CHALLENGES TO GOVERNMENT SURVEILLANCE.

(a) CHALLENGES TO ORDERS TO PRODUCE CERTAIN BUSINESS RECORDS.—

(1) IN GENERAL.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

“SEC. 503. CHALLENGES TO ORDERS TO PRODUCE CERTAIN BUSINESS RECORDS.

“(a) APPEAL.—

“(1) IN GENERAL.—A person who is required to produce any tangible thing pursuant to an order issued under section 501 may appeal the order to a United States court of appeals on the basis that the order violates the Constitution of the United States.

“(2) VENUE.—An appeal filed pursuant to paragraph (1) may be filed—

“(A) in the United States court of appeals for a circuit embracing a judicial district in which venue would be proper for a civil action under section 1391 of title 28, United States Code; or

“(B) United States Court of Appeals for the District of Columbia.

“(b) SUPREME COURT REVIEW.—A person may seek a writ of certiorari from the Supreme Court of the United States for review of a decision of an appeal filed under subsection (a)(1).”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 is amended by adding after the item relating to section 502 the following:

“Sec. 503. Challenges to orders to produce certain business records.”.

(b) CHALLENGES TO GOVERNMENT SURVEILLANCE TARGETING OF CERTAIN PERSONS OUTSIDE THE UNITED STATES.—Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended by adding at the end the following:

“(m) CHALLENGES TO GOVERNMENT SURVEILLANCE.—

“(1) INJURY IN FACT.—In any claim in a civil action brought in a court of the United States relating to surveillance conducted under this section, the person asserting the claim has suffered an injury in fact if the person—

“(A) has a reasonable basis to believe that the person’s communications will be acquired under this section; and

“(B) has taken objectively reasonable steps to avoid surveillance under this section.

“(2) REASONABLE BASIS.—A person shall be presumed to have demonstrated a reasonable basis to believe that the communications of the person will be acquired under this section if the profession of the person requires the person regularly to communicate foreign intelligence information with persons who—

“(A) are not United States persons; and

“(B) are located outside the United States.

“(3) OBJECTIVE STEPS.—A person shall be presumed to have taken objectively reasonable steps to avoid surveillance under this section if the person demonstrates that the steps were taken in reasonable response to rules of professional conduct or analogous professional rules.

“(n) APPEALS.—

“(1) IN GENERAL.—A person who is subject to an order issued under this section may appeal the order to a United States court of appeals on the basis that the order violates the Constitution of the United States.

“(2) VENUE.—An appeal filed pursuant to paragraph (1) may be filed—

“(A) in the United States court of appeals for a circuit embracing a judicial district in which venue would be proper for a civil action under section 1391 of title 28, United States Code; or

“(B) United States Court of Appeals for the District of Columbia.

“(3) SUPREME COURT REVIEW.—A person may seek a writ of certiorari from the Supreme Court of the United States for review of a decision of an appeal filed under paragraph (1).”.

SA 2585. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, to authorize the President to

award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 1082. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of such section 714 shall be completed within 12 months of the date of enactment of this Act.

(b) REPORT.—

(1) IN GENERAL.—A report on the audit required under subsection (a) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) CONTENTS.—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) REPEAL OF CERTAIN LIMITATIONS.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after “in writing.”

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 714 of title 31, United States Code, is amended by striking subsection (f).

SEC. 1083. AUDIT OF LOAN FILE REVIEWS REQUIRED BY ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the review of loan files of homeowners in foreclosure in 2009 or 2010, required as part of the enforcement actions taken by the Board of Governors of the Federal Reserve System against supervised financial institutions.

(b) CONTENT OF AUDIT.—The audit carried out pursuant to subsection (a) shall consider, at a minimum—

(1) the guidance given by the Board of Governors of the Federal Reserve System to independent consultants retained by the supervised financial institutions regarding the procedures to be followed in conducting the file reviews;

(2) the factors considered by independent consultants when evaluating loan files;

(3) the results obtained by the independent consultants pursuant to those reviews;

(4) the determinations made by the independent consultants regarding the nature and extent of financial injury sustained by each homeowner as well as the level and type of remediation offered to each homeowner; and

(5) the specific measures taken by the independent consultants to verify, confirm, or rebut the assertions and representations made by supervised financial institutions regarding the contents of loan files and the extent of financial injury to homeowners.

(c) REPORT.—Not later than the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall issue a report to the Congress containing all findings and determinations made in carrying out the audit required under subsection (a).

SA 2586. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 1082. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.

(a) IN GENERAL.—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

“(1) fully and accurately counted; and

“(2) properly attributed to the State in which their residence at their permanent duty station or homeport is located on such date.”

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

SA 2587. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 1208. LIMITATION ON FOREIGN ASSISTANCE TO PAKISTAN.

No amounts may be obligated or expended to provide any direct United States assistance to the Government of Pakistan unless the President certifies to Congress that—

(1) Dr. Shakil Afridi has been released from prison in Pakistan;

(2) any criminal charges brought against Dr. Afridi, including treason, have been dropped; and

(3) if necessary to ensure his freedom, Dr. Afridi has been allowed to leave Pakistan.

SA 2588. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be

proposed by Mr. LEE to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the end, add the following:

SECTION 1082. FOURTH AMENDMENT PRESERVATION AND PROTECTION.

(a) SHORT TITLE.—This section may be cited as the “Fourth Amendment Preservation and Protection Act of 2013”.

(b) FINDINGS.—Congress finds that the right under the Fourth Amendment to the Constitution of the United States of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures is violated when the Federal Government or a State or local government acquires information voluntarily relinquished by a person to another party for a limited business purpose without the express informed consent of the person to the specific request by the Federal Government or a State or local government or a warrant, upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(c) DEFINITION.—In this section, the term “system of records” means any group of records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular associated with the individual.

(d) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal Government and a State or local government is prohibited from obtaining or seeking to obtain information relating to an individual or group of individuals held by a third-party in a system of records, and no such information shall be admissible in a criminal prosecution in a court of law.

(2) EXCEPTION.—The Federal Government or a State or local government may obtain, and a court may admit, information relating to an individual held by a third-party in a system of records if—

(A) the individual whose name or identification information the Federal Government or State or local government is using to access the information provides express and informed consent to the search; or

(B) the Federal Government or State or local government obtains a warrant, upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

SA 2589. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 1082. EXTENSION OF PERIOD FOR USE OF ENTITLEMENT TO POST-9/11 EDUCATIONAL ASSISTANCE FOR INDIVIDUALS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.

(a) EXTENDED PERIOD.—Section 3312 of title 38, United States Code, is amended—

(1) in subsection (a), by striking “in subsections (b) and (c)” and inserting “in subsections (b), (c), and (d)”; and

(2) by adding at the end the following new subsection:

“(d) EXTENDED PERIOD FOR INDIVIDUALS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter who has a service-connected disability consisting of post-traumatic stress disorder or traumatic brain injury is entitled to a number of months of educational assistance under section 3313 of this title equal to 54 months.”

(b) REDUCED AMOUNT.—Section 3313 of such title is amended by adding at the end the following new subsection:

“(j) REDUCED AMOUNT FOR INDIVIDUALS WITH EXTENDED PERIOD OF ASSISTANCE.—The amount of educational assistance payable under this section to an individual described in section 3312(d) of this title shall be 67 percent of the amount otherwise payable to such individual under this section.”

SA 2590. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the bill H.R. 3304, to authorize the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor; which was ordered to lie on the table; as follows:

At the end, add the following:

SECTION 1082. PURCHASE OF PRISON-MADE PRODUCTS BY FEDERAL DEPARTMENTS.

(a) REPEAL OF PURCHASE REQUIREMENT.—Section 4124 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “shall purchase” and inserting “may purchase”; and

(B) by inserting “and services” after “such products”; and

(2) in subsection (c), by striking “subject to the requirements of subsection (a)” and inserting “that purchases such products or services of the industries authorized by this chapter”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8504 of title 41, United States Code, is amended—

(1) in subsection (a), by striking “(a) IN GENERAL.—”; and

(2) by striking subsection (b).

SEC. 1083. PROHIBITION ON AWARD OF CERTAIN CONTRACTS TO FEDERAL PRISON INDUSTRIES, INC..

Notwithstanding any other provision of law, a Federal agency may not award a contract to Federal Prison Industries after competition restricted to small business concerns under section 15 of the Small Business Act (15 U.S.C. 644) or the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

SEC. 1084. SHARE OF INDEFINITE DELIVERY/INDEFINITE QUANTITY CONTRACTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to require that if the head of an executive agency reduces the quantity of items or services to be delivered under an indefinite delivery/indefinite quantity contract to which Federal Prison Industries is a party, the head of the executive agency shall reduce Federal Prison Industries's share of the items or services to be delivered under the contract by the same percentage by which the total number of items or services to be delivered under the contract from all sources is reduced.

(b) DEFINITIONS.—In this section—

(1) the term “executive agency” has the meaning given the term in section 133 of title 41, United States Code; and

(2) the term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council established under section 1302(a) of title 41, United States Code.

SA 2591. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fourth Amendment Preservation and Protection Act of 2013”.

SEC. 2. FINDINGS.

Congress finds that the right under the Fourth Amendment to the Constitution of the United States of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures is violated when the Federal Government or a State or local government acquires information voluntarily relinquished by a person to another party for a limited business purpose without the express informed consent of the person to the specific request by the Federal Government or a State or local government or a warrant, upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

SEC. 3. DEFINITION.

In this Act, the term “system of records” means any group of records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular associated with the individual.

SEC. 4. PROHIBITION.

(a) IN GENERAL.—Except as provided in subsection (b), the Federal Government and a State or local government is prohibited from obtaining or seeking to obtain information relating to an individual or group of individuals held by a third-party in a system of records, and no such information shall be admissible in a criminal prosecution in a court of law.

(b) EXCEPTION.—The Federal Government or a State or local government may obtain, and a court may admit, information relating to an individual held by a third-party in a system of records if—

(1) the individual whose name or identification information the Federal Government or State or local government is using to access the information provides express and informed consent to the search; or

(2) the Federal Government or State or local government obtains a warrant, upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

SA 2592. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Right-to-Work Act”.

SEC. 2. AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.

(a) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(b) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(1) in subsection (a)(3), by striking “: Provided, That” and all that follows through “retaining membership”; and

(2) in subsection (b)—

(A) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”; and

(B) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”; and

(3) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

SEC. 3. AMENDMENT TO THE RAILWAY LABOR ACT.

Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 2593. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . DELAY IN APPLICATION OF PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) ONE-YEAR DELAY IN PPACA PROVISIONS SCHEDULED TO TAKE EFFECT ON OR AFTER JANUARY 1, 2014.—Notwithstanding any other provision of law, any provision of (including any amendment made by) the Patient Protection and Affordable Care Act (Public Law 111-148) or of title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2011 (Public Law 111-152) that is otherwise scheduled to take effect on or after January 1, 2014, shall not take effect until the date that is one year after the date on which such provision would otherwise have been scheduled to take effect.

(b) ONE-YEAR SUSPENSION OF CERTAIN TAX INCREASES ALREADY IN EFFECT.—Notwithstanding any other provision of law, in the case of any tax which is imposed or increased by any provision of (including any amendment made by) the Patient Protection and Affordable Care Act (Public Law 111-148) or of title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2011 (Public Law 111-152), if such tax or increase takes effect before January 1, 2014, such tax or increase shall not apply during the 1-year period beginning on such date.

SA 2594. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and

for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. —. PROHIBITION ON FOREIGN ASSISTANCE TO EGYPT.

Beginning 30 days after the date of the enactment of this Act, no amounts may be obligated or expended to provide any direct United States assistance to the Government of Egypt unless the President has, prior to such effective date, certified to Congress that—

(1) the Government of Egypt is not holding, detaining, prosecuting, harassing, or preventing the exit from Egypt of any person working for a nongovernmental organization supported by the United States Government on the basis of the person's association with or work for the nongovernmental organization; and

(2) the Government of Egypt is not holding any property of a nongovernmental organization described in paragraph (1) or of a person associated with such a nongovernmental organization.

SA 2595. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

Resolved, That (a) it shall not be in order for the Senate to consider any bill, resolution, message, conference report, amendment, treaty, motion, or any other measure or matter which violates the 2nd Amendment to the Constitution of the United States.

(b)(1) Any Senator may raise a point of order that any bill, resolution, message, conference report, amendment, treaty, or any other measure or matter is not in order under subsection (a). No motion to table the point of order shall be in order.

(2) Any Senator may move to waive a point of order raised under paragraph (1) on the grounds that the bill, resolution, message, conference report, amendment, treaty, or other measure or matter does not violate the 2nd Amendment to the Constitution of the United States by an affirmative yea and nay vote of two-thirds of the Senators duly chosen and sworn. All motions to waive under this paragraph shall be debatable collectively for not to exceed 3 hours equally divided between the Senator raising the point for order and the Senator moving to waive the point of order or their designees. A motion to waive the point of order shall not be amendable.

(c) This resolution is enacted pursuant to the power granted to each House of Congress to determine the Rules of its Proceedings in clause 2 of section 5 of Article I of the Constitution of the United States.

SA 2596. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fourth Amendment Restoration Act of 2013”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Bill of Rights states in the 4th Amendment to the United States Constitution that “The right of the people to be se-

cure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”.

(2) Media reports indicate that the National Security Agency is currently collecting the phone records of American citizens.

(3) Media reports indicate that the National Security Agency has secured a top secret court order in April 2013 from a court established under section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) for the telephone records of millions of American citizens.

(4) Media reports indicate that President Barack Obama's Administration has been collecting information about millions of citizens within the borders of the United States and between the United States and other countries.

(5) The collection of citizen's phone records is a violation of the natural rights of every man and woman in the United States, and a clear violation of the explicit language of the highest law of the land.

SEC. 3. RULE OF CONSTRUCTION.

The Fourth Amendment to the Constitution shall not be construed to allow any agency of the United States Government to search the phone records of Americans without a warrant based on probable cause.

SA 2597. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. LEE to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Regulations From the Executive in Need of Scrutiny Act of 2013” or the “REINS Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.

(2) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(3) By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(b) PURPOSE.—The purpose of this Act is to increase accountability for and transparency in the Federal regulatory process.

SEC. 3. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

“CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

“§ 801. Congressional review

“(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of Congress and to the Comptroller General a report containing—

“(i) a copy of the rule;

“(ii) a concise general statement relating to the rule;

“(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

“(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

“(v) the proposed effective date of the rule.

“(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

“(i) a complete copy of the cost-benefit analysis of the rule, if any;

“(ii) the actions of the agency pursuant to sections 603, 604, 605, 607, and 609 of title 5, United States Code;

“(iii) the actions of the agency pursuant to sections 1532, 1533, 1534, and 1535 of title 2, United States Code; and

“(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

“(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

“(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of compliance by the agency with procedural steps required by paragraph (1)(B).

“(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

“(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

“(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

“(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

“(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

“(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be

deemed not to be approved and such rule shall not take effect.

“(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

“(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

“(A) necessary because of an imminent threat to health or safety or other emergency;

“(B) necessary for the enforcement of criminal laws;

“(C) necessary for national security; or

“(D) issued pursuant to any statute implementing an international trade agreement.

“(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

“(d)(1) In addition to the opportunity for review otherwise provided under this chapter, sections 802 and 803 shall apply, in the succeeding session of Congress, to any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

“(A) in the case of the Senate, 60 session days before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session; or

“(B) in the case of the House of Representatives, 60 legislative days before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session.

“(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

“(i) such rule were published in the Federal Register on—

“(I) in the case of the Senate, the 15th session day after the succeeding session of Congress first convenes; or

“(II) in the case of the House of Representatives, the 15th legislative day after the succeeding session of Congress first convenes; and

“(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

“(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

“(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

“§ 802. Congressional approval procedure for major rules

“(a)(1) For purposes of this section, the term ‘joint resolution’ means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

“(A) bears no preamble;

“(B) bears the following title: ‘Approving the rule submitted by _____ relating to _____.’ (The blank spaces being appropriately filled in);

“(C) includes after its resolving clause only the following: ‘That Congress approves the rule submitted by _____ relating to _____.’ (The blank spaces being appropriately filled in); and

“(D) is introduced pursuant to paragraph (2).

“(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or the designee of the majority leader) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

“(A) in the case of the House of Representatives, within 3 legislative days; and

“(B) in the case of the Senate, within 3 session days.

“(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

“(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

“(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee or committees shall be discharged from further consideration of the joint resolution, and it shall

be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for not fewer than 5 legislative days to call up the joint resolution for immediate consideration in the House without intervention of any point of order. When so called up, a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

“(f)(1) For purposes of this subsection, the term ‘identical joint resolution’ means a joint resolution of the first House that proposes to approve the same major rule as a joint resolution of the second House.

“(2) If the second House receives from the first House a joint resolution, the Chair shall determine whether the joint resolution is an identical joint resolution.

“(3) If the second House receives an identical joint resolution—

“(A) the identical joint resolution shall not be referred to a committee; and

“(B) the procedure in the second House shall be the same as if no joint resolution had been received from the first house, except that the vote on final passage shall be on the identical joint resolution.

“(4) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

“(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

“(h) This section and section 803 are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

“§ 803. Congressional disapproval procedure for nonmajor rules

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect.’ (The blank spaces being appropriately filled in).

“(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

“(2) For purposes of this section, the term ‘submission or publication date’ means the later of the date on which—

“(A) the Congress receives the report submitted under section 801(a)(1); or

“(B) the nonmajor rule is published in the Federal Register, if so published.

“(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

“(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

“(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

“(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

“(1) The joint resolution of the other House shall not be referred to a committee.

“(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(B) the vote on final passage shall be on the joint resolution of the other House.

“§ 804. Definitions

“For purposes of this chapter—

“(1) the term ‘Federal agency’ means any agency as that term is defined in section 551(1);

“(2) the term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

“(A) an annual effect on the economy of \$100,000,000 or more;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

“(3) the term ‘nonmajor rule’ means any rule that is not a major rule; and

“(4) the term ‘rule’ has the meaning given such term in section 551, except that such term does not include—

“(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(B) any rule relating to agency management or personnel; or

“(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

“§ 805. Judicial review

“(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

“(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

“(c) The enactment of a joint resolution of approval under section 802 shall not—

“(1) be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule;

“(2) extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule; and

“(3) form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

“§ 806. Exemption for monetary policy

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

“§ 807. Effective date of certain rules

“Notwithstanding section 801—

“(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

“(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.”.

SEC. 4. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following:

“(E) Any rules subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.”.

SA 2598. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. Lee to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SECTION 1. PERMANENT SUSPENSION OF PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to covered commodities (as defined in section 1001 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702)), peanuts, and sugar and shall not be applicable to milk:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(2) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to covered commodities (as defined in section 1001 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702)), peanuts, and sugar and shall not be applicable to milk:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled “A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended”, approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to crops of wheat.

SA 2599. Mr. LEE (for Mr. PAUL) submitted an amendment intended to be proposed by Mr. Lee to the joint resolution H.J. Res. 59, making continuing appropriations for fiscal year 2014, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preserving Freedom from Unwarranted Surveillance Act of 2013”.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “drone” has the meaning given the term “unmanned aircraft” in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note); and

(2) the term “law enforcement party” means a person or entity authorized by law, or funded by the Government of the United States, to investigate or prosecute offenses against the United States.

SEC. 3. PROHIBITED USE OF DRONES.

Except as provided in section 4, a person or entity acting under the authority, or funded in whole or in part by, the Government of the United States shall not use a drone to gather evidence or other information pertaining to criminal conduct or conduct in violation of a statute or regulation except to the extent authorized in a warrant that satisfies the requirements of the Fourth Amendment to the Constitution of the United States.

SEC. 4. EXCEPTIONS.

This Act does not prohibit any of the following:

(1) **PATROL OF BORDERS.**—The use of a drone to patrol national borders to prevent or deter illegal entry of any persons or illegal substances.

(2) **EXIGENT CIRCUMSTANCES.**—The use of a drone by a law enforcement party when exigent circumstances exist. For the purposes of this paragraph, exigent circumstances exist when the law enforcement party possesses reasonable suspicion that under particular circumstances, swift action to prevent imminent danger to the life of an individual is necessary.

(3) **HIGH RISK.**—The use of a drone to counter a high risk of a terrorist attack by a specific individual or organization, when the Secretary of Homeland Security determines credible intelligence indicates there is such a risk.

SEC. 5. REMEDIES FOR VIOLATION.

Any aggrieved party may in a civil action obtain all appropriate relief to prevent or remedy a violation of this Act.

SEC. 6. PROHIBITION ON USE OF EVIDENCE.

No evidence obtained or collected in violation of this Act may be admissible as evidence in a criminal prosecution in any court of law in the United States.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Senate Committee on Energy and Natural Resources on Thursday, December 19, 2013, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the business meeting is to consider pending calendar business.

For further information, please contact Sam Fowler at (202) 224-7571 or Abigail Campbell at (202) 224-4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 16, 2013, at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Colin Goldfinch, a fellow on the Finance Committee, and Stephen Jenkins and Kevin McNellis, interns on the Finance Committee, be granted floor privileges for Tuesday, December 17, 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 322.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 322) to authorize printing of a collection of the rules of the committees of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid on the table, and that there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 322) was agreed to.

(The resolution is printed in today's RECORD under “Submitted Resolutions.”)

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, and upon the recommendation of the majority leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, reappoints the following individuals to the United States-China Economic Security Review Commission: William A. Reinsch of Maryland for a term beginning January 1, 2014 and expiring December 31, 2015, and The Honorable Carte P. Goodwin of West Virginia for a term beginning January 1, 2014 and expiring December 31, 2015.

ORDERS FOR TUESDAY, DECEMBER 17, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning at 9 a.m.; that is, December 17, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the first vote will be at 10 a.m. on the motion to invoke cloture on the motion to concur with respect to the budget agreement.

ORDER FOR ADJOURNMENT

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn following the remarks of the Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JEH JOHNSON

Mr. SESSIONS. Mr. President, I spoke a bit earlier in relation to the nomination of Jeh Johnson to be Secretary of Homeland Security.

It is an important department with 240,000 employees, and includes the Coast Guard, the Secret Service, TSA airport personnel, and ICE officers who enforce immigration laws, our Border Patrol officers who patrol the border, the Citizenship and Immigration Service which evaluates and approves or disapproves people who apply for admission to the United States, and agency after agency.

I have watched many of these complex departments and do not believe they have been brought together to the degree they ought to be, and it hasn't had the kind of strong leadership it needs to have to be effective for the American people.

In addition to that, we have the difficulty that this administration has basically told the immigration component of Homeland Security—one of its largest components—that they shouldn't do their job. They have been blocked and instructed not to enforce the law to a degree that Professor Turley said represents an unacceptable alteration of the Madisonian understanding of the separation of powers.

In other words, the President is charged with the duty to enforce law, to see that the laws of the United States are faithfully enforced. He is not given the power to flatly direct his officers not to enforce laws of the Congress.

I am sure Mr. Johnson has many abilities. He is apparently a Wall Street lawyer, a big political campaigner, has raised a bunch of money

and gave money to President Obama. He is a close confidant of President Obama, was made the legal counsel for the Department of Defense—about which he said he was President Obama's man at the Department of Defense.

But he has not had any real leadership and management experience. He shows no interest in or desire to seize control of this Department, to make it better, and to honor the officers who are a part of it and who serve their country often at risk every day, only to find that high political appointees in that Department undermine their ability to enforce the law and place their lives at risk.

You say: JEFF, that is an exaggeration. I am going to talk tonight in some detail about some of the things this administration has done to undermine, block, and frustrate the ability of the fine law enforcement officers—ICE officers, customs enforcement officers, Border Patrol officers—who serve our country on a daily basis at risk to themselves, and it is not good.

A lot of people might not know that I was a Federal prosecutor and Attorney General of Alabama. Back in the mid-1990s when I was traveling the State, I would meet the law enforcement officers and I would ask them: What happens when you apprehend somebody in Alabama whom you identify as illegally in the country?

Their answer was: Nothing. We let them go. We are told by the Federal officials—who are the only ones that can deport anybody: If you don't apprehend at least 15, don't bother to call us. So we just don't do it.

People are shocked at that. I would have town meetings and I would ask people: What happens if your local police officer or local sheriff apprehends somebody? They think they turn them over to the Federal Government for deportation, and that did not happen. It hasn't happened in a long time. But it has gotten worse than that.

The argument was: What we would do is enforce the workplace and we would keep people from getting a job. If they don't have a job, they won't come to America. We are going to enforce that. That has never been effectively enforced. That is just talk. It is not happening. At a time of extraordinarily high unemployment, at a time when wages for working Americans are sliding downward and not going up, and when every month that goes by we see large numbers of people hired part time rather than full time, all of this is happening while we are totally unwilling to take any action which would stop illegal workers from getting jobs that Americans need.

We have American people that are hurting. We have American people unemployed. We have children and grandchildren and grandparents and mothers and fathers unemployed or only in part-time jobs. Over the last 5 or 6 years, the number of people who have gotten jobs in America is about 1.9 mil-

lion over that period. That is how many immigrant workers entered the country. So the net improvement in employment in a mathematic sense has all gone to foreign workers who come to America—legally or illegally.

So we need to be serious about this. We need to ask ourselves: Don't we have an obligation to the American people to faithfully enforce the laws, and to end the lawlessness and create a good immigration system which serves the interests of America and of American workers? I think we do. I think that is what the American people want. I think they are entitled to that, and I want to show tonight how far away from that we are today.

The reason I am talking about this is we just confirmed Jeh Johnson as the Secretary of Homeland Security. He is the political confidant of the President, and the President has no intention of enforcing the laws and has created a circumstance which is not good for this country.

Mr. Johnson, in my brief conversation with him, seemed like a nice enough gentleman. But I asked him: Why do you want this job, Mr. Johnson? You say you believe in law and you believe the laws ought to be enforced. If you take this job, you are not going to be allowed to enforce the laws. You just need to know that.

I asked him, was he going to be willing to confront the President and tell him: You can't do this. I am a sworn officer here. I have thousands of law enforcement officers working for me out there on the streets, out there dealing directly with people in violation of American law, and I can't keep telling them not to do what they are required to do. I don't have the ability to deny them the right to enforce the laws of the United States.

This issue was defined early in the Obama administration.

President Bush was slow. But President Bush, after comprehensive reform in 2006 and 2007 failed, seemed to get it. So he called out the National Guard, which made a positive difference. He stepped up enforcement. We finally began to build fencing, and he began to have a pretty good bit of workplace enforcement. They raided some chicken plants in Georgia, and they found hundreds of people working here illegally.

What happened in Georgia was they had to raise pay to get legal immigrants to come to work. What is wrong with that? Pay is too low in America. We need higher wages.

So the people during the campaign who had been interfacing with the Obama administration obviously had a deal. They were told they were going to stop these kinds of enforcement and they weren't going to do them anymore. The Immigration and Customs Enforcement raid in Washington State was a completely justified enforcement action. But pro-amnesty groups complained. As a result, the Secretary of Homeland Security Janet Napolitano—who Mr. JOHNSON will replace—vowed

that she would get to the bottom of this problem.

An article in the Washington Times quoted a Homeland Security official as saying: The Secretary is "not happy about it." Instead of enforcing the law, the Secretary investigated the law officers who were simply doing their duty—apparently in response to some demands of advocacy groups who had been pushing them during the campaign.

Then Esther Olavarria, Deputy Assistant Secretary of Homeland Security, said on a phone call with employers and pro-amnesty groups: We are not doing raids or audits under this administration.

This statement symbolized the end of workplace enforcement in America, and it is in violation of law. Workers are not entitled to work illegally in American factories or plants. Where did this come from? How did it ever get to be the idea that Americans can have their jobs taken by people illegally in the country, and you can't ever do an investigation or enforcement action and remove people who are illegally here and not authorized to work?

Then, in 2010, the administration began implementing its plan to dismantle the immigration law enforcement system as we know it.

On May 19, 2010, in an interview with the Chicago Tribune, then-Director of ICE John Morton announced that ICE may not even process or accept the transfer of illegal aliens to the agency's custody by Arizona officials. Arizona, of course, was facing a very serious problem.

Mr. President, on May 27, 2010, an internal ICE email revealed that top officials declared that the low-risk immigration detainees would be able to have far greater visitation rights, with visitors staying an unlimited amount of time during a 12-hour window—which can really make maintaining order at a detention facility difficult—and also that they, the detainees, would be given access to unmonitored phone lines. The mayor of your town, who is in jail over tax evasion, doesn't get unmonitored phone line use, but apparently illegal aliens do. They get email, free Internet calling, movie nights, bingo, arts and crafts, dance and cooking classes, tutoring and computer training. All of these are for people who have been apprehended while illegally in the country. It really should be on a fast turnaround to be returned to the country from which they came.

On June 25, 2010, the National ICE Council, which is the union that represents more than 7,000 fine ICE officers, cast a unanimous vote. They voted "no confidence" in their Director, John Morton. According to the union, the vote reflected "the growing dissatisfaction among ICE employees and union leaders that Director Morton

had abandoned the agency's core mission of enforcing United States immigration laws and enforcing public safety and has instead directed their attention to campaigning for programs and policies relating to amnesty."

I have been here in the Senate now for going on 17 years and I am not aware of a major governmental employee union voting "no confidence" in its boss, particularly when it deals with the simple policies of law and enforcement, not even relating to some workplace rule or complaint.

In August 2010 top ICE officials began circulating a draft policy that would significantly limit the circumstances under which ICE could detain illegal aliens. In effect, ICE agents were no longer authorized to pick up an illegal alien for illegally entering the country or for possessing false identification documents. False documents? You go to the bank or you go to get on an airplane and you use a false document, somebody is going to prosecute you. But if you are, apparently, a noncitizen who entered the country illegally, you are given immunity by the administration. Why? Because they do not want to see the law enforced. That is the reason. They basically have made that decision. Under the new policy, illegal aliens could only be detained if other law enforcement agencies made an arrest for a specific criminal violation. This was the beginning of what would become known as administrative amnesty.

Then in December 2010 a Washington Post article on internal ICE emails and communications reported that ICE had padded its deportation statistics. Many of you have heard that the administration claims they deported far more people than before; therefore, they should be applauded for being effective law enforcement officers. But it is a fact that those numbers were padded and exaggerated. According to the Washington Post article, ICE included 19,422 removals in fiscal year 2010 that were actually removals from fiscal year 2009.

We have had a problem in this country. There is a growing concern about this administration not telling the truth. Their philosophy seems to be, we say whatever is convenient at the time, and when we get caught we do not worry about it, we just keep right on going and our friendly press will ignore it. But it is beginning to bite now. People are getting tired of this.

This is a deliberate—by 19,000—misrepresentation of the number of removals.

The article also described how ICE extended a Mexican repatriation program beyond its normal operation date, adding 6,500 to the final removal numbers—again, making them look better than they were.

In a March 2, 2011 memo, ICE Director Morton outlined new enforcement priorities and encouraged agents not to enforce the law against most illegal aliens and to only take action against those who meet certain priorities.

On July 17, 2011, ICE Director Morton issued a second memorandum further directing ICE agents to refrain from enforcing the law against certain segments of the illegal alien population—criteria similar to that under the DREAM Act—despite having no legal or congressional authority to do so and despite the fact that Congress had explicitly rejected the DREAM Act three times. This is a matter of serious constitutional import.

On June 17, 2011, ICE Director Morton issued a third memo instructing ICE personnel to consider refraining from enforcing the law against individuals engaged in a protected activity related to civil or other rights. So if you are in the country illegally and, for example, union organizing or complaining to authorities about employment discrimination or housing conditions, you can be protected from being deported. Anybody who is in a nonfrivolous dispute with an employer, landlord, or contractor seems to be eligible to avoid the consequences of being in the country illegally.

On June 23, 2011, the ICE Agents and Officers' Union again expressed outrage over Director Morton's actions, noting that since the administration was "unable to pass its immigration agenda through legislation, it is now implementing it through agency policy." That is exactly what they did. Everybody who knows enough about what is going on knows that is what they did. But somehow, like the frog in the ever-warming water, we are oblivious to the consequences when an executive branch declares and directs a law to be enforced and carried out that was never passed and in fact was rejected in recent years three separate times.

The ICE officers' association accused the appointees of working hand in hand with the open borders lobby—they see this on a daily basis—while excluding its officers, the ICE officers, from the policy development process.

In effect, ICE officers allege that the political appointees at ICE were advancing the agenda of those here illegally and maneuvering against their own law enforcement officers trying to do their duty—to enforce the law and end the illegality in America. That is exactly what they said was happening, and that is exactly what is happening, colleagues.

On June 27, 2011, an internal memorandum revealed that ICE officers attempted to publicly distance themselves from the administrative amnesty policies and deny that they ever existed after the Houston Chronicle exposed the Department of Homeland Security directive to review and dismiss valid deportation cases then in process.

On August 1, 2011, the Justice Department filed a lawsuit in Federal court to stop Alabama's law that was designed to assist the Federal Government in identifying and bringing forth to the Federal officials people in the country illegally.

On August 18, 2011, Secretary Napolitano announced that DHS was review-

ing all pending and incoming deportation cases to stop proceedings against those illegal aliens who were not DHS priorities.

On September 28, of 2011, at a roundtable with amnesty advocates, President Obama admitted that his deportation statistics were misleading. He said:

The statistics are actually a little deceptive because what we've been doing is . . . apprehending folks at the borders and sending them back. That is counted as a deportation even though they may have only been held for a day or 48 hours.

That is pretty interesting. So the President is meeting with amnesty advocates, and he is admitting this to them but not to the American people. He told the American people they had an enhanced number of deportations. But when he met with the amnesty people to assuage their complaints that too many people were being deported, he said the numbers were not correct.

We need the President of the United States to look the group in the eye and say: If you come to America illegally, expect to be deported if we apprehend you. What else should he say? He is the chief law enforcement of America. He is charged with ensuring that the laws of the United States are faithfully executed.

On October 12, in testimony before the House Judiciary Committee, Director Morton admits that Cecilia Munoz, a former senior vice president of the National Council of La Raza and now assistant to the President and Director of the White House Domestic Policy Council, assisted in the preparation of the administrative amnesty memorandum.

La Raza has been awfully aggressive on these issues. They have every right to be aggressive, but I have to tell you their positions are nowhere near anything that comes close to being an advocate for a lawful system of immigration in America. They want the lawlessness to continue.

On October 18, 2011, ICE refused to take any action after the Santa Clara County, CA, Board of Supervisors voted to stop using county funds to honor ICE detainees except in limited circumstances.

Let me tell you about this. I have been an attorney general and a U.S. attorney. A detainer is a very useful law enforcement tool that is critical for harmonious relationships between various agencies. If somebody arrests somebody and they are serving time for drug dealing or burglary and another jurisdiction has a charge against him, they place a detainer against him at that jail. As soon as they finish their term, they are not released; they are turned over to the agency that has another charge pending against them.

So the Santa Clara County Board of Supervisors voted not to allow the Federal Government to place detainees on people in their jail who were here in the country illegally and voted, in effect, not to turn them over, as all law

enforcement officers do and have done for decades.

So ICE didn't do anything about it. They still send them Federal money for law enforcement. They have things that they could do. They just went along with it because I guess they don't care.

On October 19, ICE refused to act after the mayor of District of Columbia, Vincent Gray, issued an order to prevent the DC police from enforcing U.S. immigration law. Among other things, the order prohibits all public safety agencies from inquiring about an individual's immigration status—they can't even inquire about it—or from contacting ICE if there is no nexus to a direct criminal investigation other than immigration.

The District of Columbia knows better than that. ICE says their officers can't even inquire to see if somebody is illegally in the country? That is a stretch. That is unacceptable. We ought to cut off funds for cities that refuse to at least conduct minimal cooperation with Federal law enforcement.

October 31, 2011, the Justice Department filed a suit against South Carolina to block their immigration law designed to help the Federal Government enforce immigration laws. They had plenty of time to sue States and other entities who want to help them enforce the laws. They had plenty of time also to meet with amnesty groups but no time whatsoever to meet with these law officers and find out what their concerns are or to draft policies that would help us to be more effective.

On November 7, 2011, USCIS issued a memo stating that USCIS will no longer issue "notices to appear" in immigration court to illegal aliens who do not meet administration priorities. That is a major step backward.

On November 22, the Justice Department filed suit against Utah's immigration enforcement system. They have plenty of time to sue Utah, which would like them to help enforce the law.

On November 22, ICE refused to act after Mayor Michael Bloomberg signed a measure ordering all New York City jails to ignore certain ICE detainers issued to deport illegal aliens from those jails. So the mayor of New York issues an order not to honor the detainers placed there by the Federal Government—the U.S. government.

Mr. Bloomberg is spending millions of dollars of his billion-dollar wealth to lobby the House to pass an amnesty bill. It is his money; I guess he can spend it where he wants to. But just because he has made \$1 billion, I don't think it suggests to me that he has any better idea about how to run the immigration system of the United States than I do, since I spent 14 years dealing with Federal law enforcement.

On December 15, 2011, DHS rescinded Maricopa County, Arizona's 287(g) agreement, a cooperative agreement whereby local law enforcement re-

ceived training in identifying and apprehending illegal aliens and handling them in a way preferably consistent with law—being very careful in how we treat people who are detained in a decent and very fine way. The 287(g) Program is a very fine program. It really is good. And it is a great disappointment to me that this administration has basically killed it.

I remember Alabama was the first State in the Nation that participated in the 287(g) Program. A certain number of officers—not a huge number—came to a training center for several weeks and were trained on how to be of valuable assistance to the Federal officers to maximize their ability to be effective. This has been canceled. It basically ended under this administration.

Director Morton told a Maricopa County attorney that ICE will no longer respond to calls from Maricopa County sheriff's officers involving traffic stops, civil infractions, or other minor offenses. DHS's legal reasoning is unclear given that Federal law requires the Federal Government to respond to inquiries by law enforcement agencies to verify immigration status. In other words, local officers apprehend somebody and they make an inquiry as to whether this person is lawfully in the country and they have a right to be responded to. Apparently, they have chosen not to respond to that basic law enforcement request.

On December 29, 2011, ICE announced the creation of a 24-hour hotline for illegal alien detainees to be staffed by the Law Enforcement Support Center—the same organization that ICE had already stated was understaffed as far as keeping up with the immigration status check requests for State and local law enforcement. They were getting lots of requests for statuses on people, about whether they were legally or illegally here, from local law enforcement. They don't have enough time to do that, but now these officers have been given the extra duty of having a 24-hour hotline for illegal alien detainees. Who are we serving here?

ICE then revised its detainer form to include a new provision which states ICE should consider this request for a detainer operative "only upon the subject's conviction" of an offense. It completely ignores the fact that presence in the United States of America illegally is a violation of federal law.

On January 3, 2012, there was a report by the inspector general that revealed that USCIS officials or top political officials pressured the employees to approve applications that should have been denied and that employees believed they did not have enough time to complete the interviews of applicants, "leaving ample opportunity for critical information to be overlooked." The 911 Commission said people should be interviewed face-to-face, but that idea has completely collapsed today.

On January 10, 2012, the President promoted Cecelia Munoz to be the new Director of his Domestic Policy Coun-

cil. She previously served as senior vice president of La Raza. We need an objective person in that position, not an advocate for undermining the law. I am not saying she is a bad person. She is perfectly legitimate to be an advocate for amnesty or open borders. It is a free country. But she ought not to be put in a top position where the duty is to enforce the law.

On January 17, 2012, DHS stopped the rollout of the Secure Communities Act in Alabama, according to a DHS email, because the administration disagrees with Alabama's immigration law. They just quit cooperating.

In January 2012, ICE attorneys in Denver and in Baltimore recommended that the agency voluntarily close 1,667 removal cases, resulting in the release of illegal aliens already in proceedings without consequence of their violation of immigration law.

On January 19, 2012, the President issued an Executive order waiving certain screening safeguards, allowing those applying for nonimmigrant visas—people who come here to work only—to obtain them more easily from China and Brazil. On the same day, the State Department announced it will waive the longstanding statutory requirement of in-person interviews by a consular officer.

On February 7, 2012, ICE announced the creation of a public advocate who is to serve as a point of contact for aliens in removal proceedings, community advocacy groups, and others who have concerns, questions, and recommendations they would like to raise about the enforcement of laws and amnesty efforts.

In February 2012, the President revealed in his budget a proposal to cut funding for ICE and the 287(g) Program, effectively gutting the program.

On April 17, 2012, the administration announced it would reduce National Guard troops stationed at the border from 1,200 to 300. Is this an action of an administration that seems to be interested in seeing that we have a lawful system of immigration we can be proud of, a legal system that promotes the interests of the United States of America? Are we at a point in time where we are undermining law?

I have about half of these done so far, and I could continue. It goes on and on and on. It is a consistent trend and agenda. It is basically, if you don't grant amnesty, Congress, I am not going to enforce the law. Just forget it. I am going to direct my officers to do what I want them to do, not what the law of the United States requires them to do. It is a deep and fundamental challenge to the very integrity of American constitutional order.

People say: JEFF, you are exaggerating.

Let me tell my colleagues about a recent House Judiciary hearing that was held on the President's constitutional duty to faithfully execute the laws. Chairman GOODLATTE summarized the reason for the hearing as follows:

The Obama administration has ignored the Constitution's carefully balanced separation of powers and unilaterally granted itself the extra constitutional authority to amend the laws and to waive or suspend their enforcement. This raw assertion of authority goes well beyond the executive power granted to the President and specifically violates the Constitution's command that the President is to take care that the laws be faithfully executed. The President's encroachment into Congress's sphere of power is not a transgression that should be taken lightly. As English historian Edward Gibbon famously observed regarding the fall of the Roman Empire, the principles of a free constitution are irrevocably lost when the legislative power is dominated by the executive.

From ObamaCare to immigration, the current administration is picking and choosing which laws to enforce. So this is correct. I believe Chairman GOODLATTE is discussing an important issue.

What about the testimony of the witnesses at that hearing? It was stunning. One witness, Professor Jonathan Turley, well known throughout the country, writes a lot in publications and legal journals. He is the Shapiro Professor of Public Interest Law at George Washington University Law School and is a nationally recognized constitutional scholar. He said he is a supporter of President Obama's policies and voted for him. But I want you to hear this, colleagues. Professor Turley, at the hearing, said this:

I believe the president has exceeded his brief. The president is required to faithfully execute the laws. He's not required to enforce all laws equally or commit the same resources to them. But I believe the president has crossed the constitutional line in some of these areas.

(Ms. WARREN assumed the Chair.)

Mr. SESSIONS. He goes on—this is a direct quote—

This goes to the very heart of what is the Madisonian system. If a president can unilaterally change the meaning of laws in substantial ways or refuse to enforce them, it takes offline that very thing that stabilizes our system.

He goes on:

I believe the members will loathe the day that they allow that to happen.

He is talking about Members of Congress. "I believe the members [of Congress] will loathe the day that they allow that to happen."

He goes on:

This will not be our last president. There will be more presidents who will claim the same authority.

When I teach constitutional law, I often ask my students, what is the limiting principle of your argument? When that question is presented to this White House, too often it's answered in the first person, that the president is the limiting principle or at least the limiting person. We can't rely on that type of assurance in our system.

That is what Professor Turley said, who voted for President Obama and is a well-known legal scholar. That is dramatic testimony and we need to listen to it. I am hearing it from my constituents daily. They think this administration is not telling the truth on a regular basis. They cannot imagine

how we can pass a health care law, and the President is just going and picking and choosing what parts of it he wants to go forward, what parts he wants to delay. How can this happen? Is this a legal system or not?

Mr. Turley goes on:

The problem of what the president is doing is that he is not simply posing a danger to the constitutional system; he is becoming the very danger the Constitution was designed to avoid: that is, the concentration of power in any single branch. This Newtonian orbit that the three branches exist in is a delicate one, but it is designed to prevent this type of concentration.

Wow. This is very strong. Then, when Professor Turley was asked whether the President has acted contrary to the Constitution, Professor Turley answered in the affirmative. He said further:

I really have great trepidation over where we are heading because we are creating a new system here, something that is not what was designed. We have this rising fourth branch in a system that's tripartite. The center of gravity is shifting, and that makes it unstable. And within that system you have the rise of an uber presidency. There could be no greater danger for individual liberty, and I really think that the framers would be horrified by that shift because everything they've dedicated themselves to was creating this orbital balance, and we've lost it. . . .

That makes the hair stand on the back of my neck. This goes to the core of our government. Are we a legal system or not? If we start eroding these classical principles of law, duty, and responsibility—the appropriate balance between the three branches of government—we have done something that is important. As Professor Turley said, we are undermining the orbital balance. Indeed, he said we have lost it—Professor Turley, not me.

Professor Turley goes on to say:

It's not prosecutorial discretion to go into a law and say an entire category of people will no longer be subject to the law. That's a legislative decision.

It is a legislative decision, not the President's decision. The legislature represents the people. Over a period of years, people are elected to this body and the House.

It goes on. Professor Turley said:

Prosecutorial discretion is a case-by-case decision that is made by the Department of Justice. When the Department of Justice starts to say, we're going to extend that to whole sections of law, then they are engaging in a legislative act, not an act of prosecutorial discretion. Wherever the line is drawn, it's got to be drawn somewhere from here. It can't include categorical rejections of the application of the law to millions of people. . . .

Great Scott. He is so correct. Prosecutors have discretion. They do not have to prosecute every case that comes before them. But the President does not have power just to eviscerate whole sections of law that affect millions of people. Professor Turley hit that exactly correct. He goes on to say:

Many of these questions are not close, in my view. The president is outside the line.

. . . And that's where we have the most serious constitutional crisis, I view, in my lifetime, and that is, this body is becoming less and less relevant.

He is talking to the House, the House of Representatives. You are becoming less and less relevant. He considers this to be "the most serious constitutional crisis . . . in my lifetime." We sit here oblivious to what has been happening. I have talked about it an awful lot, but I guess I have not been very effective. Professor Turley's arguments and remarks just hammer home how serious it is, this question we are dealing with.

So he goes on to say this:

I believe that [Congress] is facing a critical crossroads in terms of its continued relevance in this process. What this body cannot become is a debating society where it can issue rules and laws that are either complied with or not complied with by the president. I think that's where we are . . . [A] president cannot ignore an express statement on policy grounds. . . .

He says the President cannot ignore an express act, statement of law because he has a different policy view.

Now, does anybody contend that he can? I would like to see them send me a note on it. Any Member of this body who thinks the President of the United States can ignore an express statement of law because he just disagrees with it on policy grounds—I would like to hear them defend that issue or explain their position on it.

He goes on to say:

[I]n terms of the institutional issue . . . look around you. Is this truly the body that existed when it was formed?

He is talking to the House now.

Does it have the same gravitational pull and authority that was given to it by its framers? You're keepers of this authority. You took an oath to uphold it. And the framers assumed that you would have the institutional wherewithal and, frankly, ambition to defend the turf that is the legislative branch.

Isn't that true?

. . . the framers assumed that you would have the institutional wherewithal and, frankly, ambition to defend the turf that is the legislative branch.

We are sitting here, we had the majority leader stand before the Presiding Officer and break the rules of the Senate to amend the Senate rules just a few weeks ago. It was a stunning development. This is Third World stuff. This is not the United States of America, a constitutional Republic that I served as a prosecutor year after year.

We took so much pride, my staff and I, in trying to make sure nobody was given an advantage or disadvantage based on status or wealth or race, intelligence or background or whatever advantage they had: equal justice under the law. We enforced the law whether anybody would have voted for it or not had we been in Congress. It was passed by Congress, we enforced the law. At that same hearing, Nicholas Rosenkranz, a professor of law at Georgetown University Law Center and the author of the single most downloaded article about constitutional interpretation in the history of

the social science research network, also testified before the House Judiciary Committee.

He stated that the President's Constitutional duty to take care that the laws be faithfully executed "is not optional; it is mandatory," and that President Obama's "wholesale suspension of law . . . is the paradigm case of a 'take care' clause violation."

He further testified:

What's striking about this is the president's decision to enforce the immigration laws as though the DREAM Act had been enacted, when in fact it has not. . . . Rather than declining to comply with a duly enacted statute, the president is complying meticulously, but with a bill that never became law.

So they offered a bill. It was rejected by the Congress. The President is almost to the letter enforcing a bill rejected by the people's representatives. Professor Rosenkranz goes on to say:

Congress has repeatedly considered . . . the DREAM Act. The President favors this act. Congress has repeatedly declined to pass it. So the President simply announced that he would enforce the Immigration and Nationality Act as though it had been—as though the DREAM Act had been enacted. To put the point another way, the president's duty is to take care that the laws be faithfully executed, laws capital L, not those bills that fail to become law, like the DREAM Act.

I think this is a serious matter and I think Professor Rosenkranz hits it directly. Professor Rosenkranz was in agreement with Professor Turley that "prosecutorial discretion is one thing."

It is real.

But wholesale suspension of law is quite something else, and that is what has happened under ObamaCare. Likewise, in the immigration context, kind of case-by-case prosecutorial discretion is one thing, but a blanket policy that the immigration act will not apply to 1.8 million people, that's quite something different. This is a scale of decision-making that is not within the traditional conception of prosecutorial discretion.

That is certainly true. It is hard to believe we are here. I think we are here because in the great law schools of America and the top levels of our academic world in our new media and so forth, we have moved in sort of a postmodern world in which words do not have meaning. They are subject to being altered whenever they choose to fit the mood of a moment.

The President said, when he nominated people for the Supreme Court, he wanted nominees who would show empathy. What is empathy? It is not law. Is it politics? Is it bias? Is it personal opinion? Our system is based on law, not empathy, not bias, not politics, not ideology. This is a serious matter. Chairman GOODLATTE then interjected:

In fact the president has taken it a step further and has actually given legal documents to the people in that circumstance, well beyond simply deciding not to leave them there and not prosecute them, but to actually enable their violation of the law by giving them documents to help them evade the problems that ensue from living in the country that they're not lawfully present in.

Professor Rosenkranz replied, "Quite right." This matter is not going away. We

are going to deal with it. I truly believe the American people expect this government of theirs that works for them to produce an immigration system, a legal system that involves ObamaCare and other policies that is committed to law and not to the feelings of the chief executive and not to his policy preferences.

We avoid that or we have a serious matter in this country that goes to the heart of the strength of this Republic. You could sap that strength, erode the power of our legal system. The legal system, in my opinion, is the greatest strength this Nation has.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow.

Thereupon, the Senate, at 8:16 p.m., adjourned until Tuesday, December 17, 2013, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 16, 2013:

DEPARTMENT OF STATE

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER AMBASSADOR, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS).

DEPARTMENT OF HOMELAND SECURITY

JEH CHARLES JOHNSON, OF NEW JERSEY, TO BE SECRETARY OF HOMELAND SECURITY.